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Fessenden



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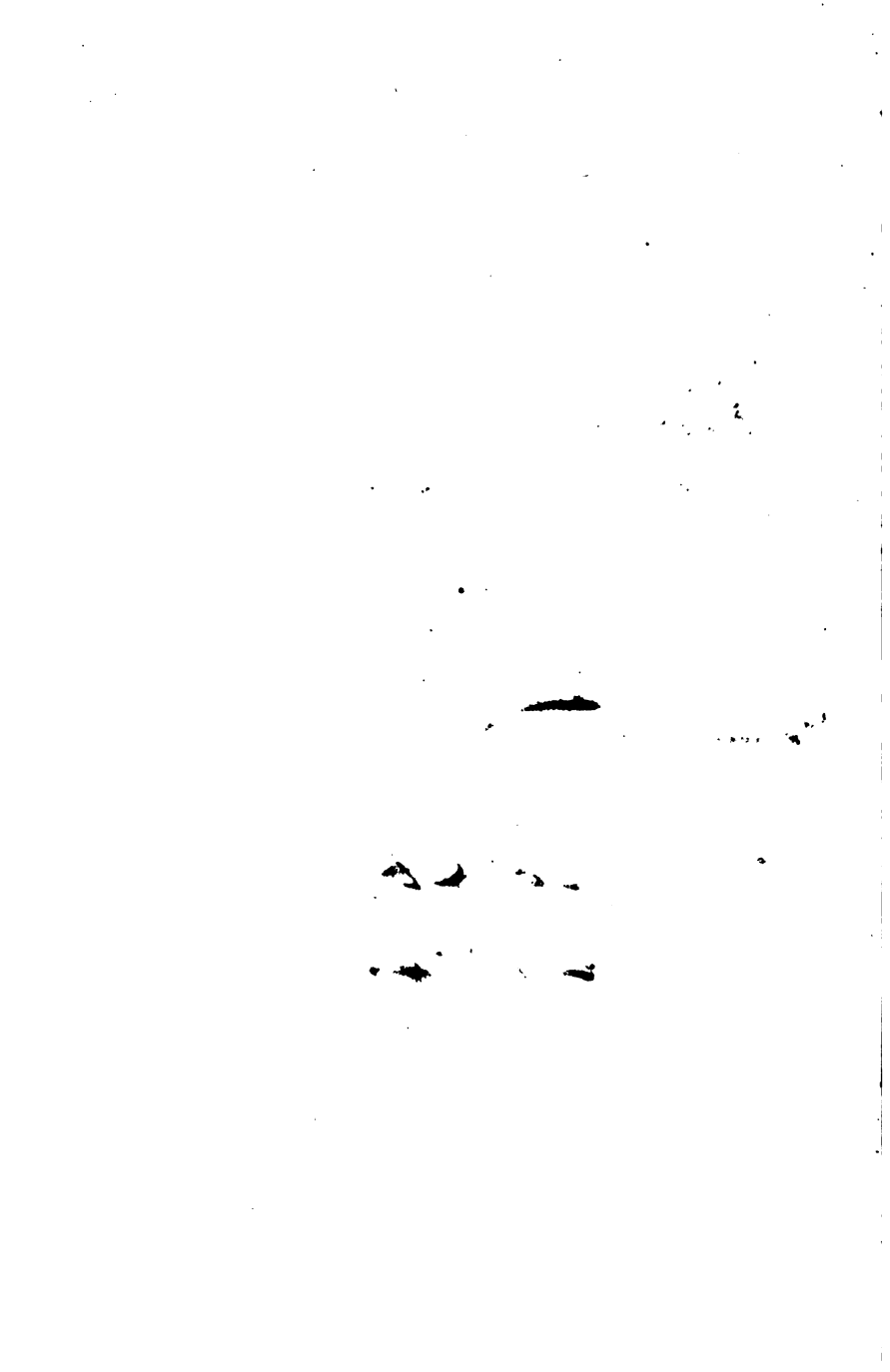
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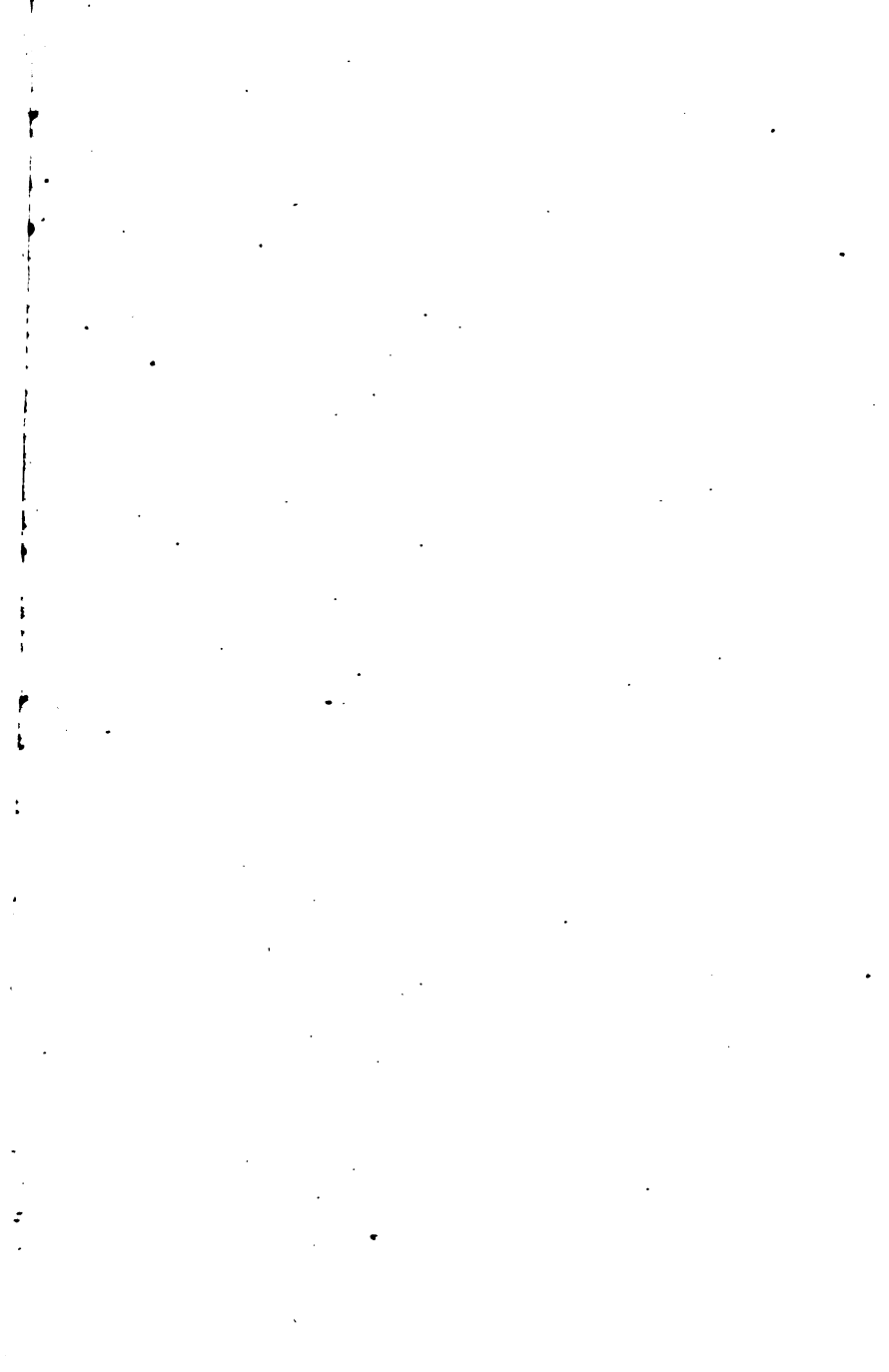


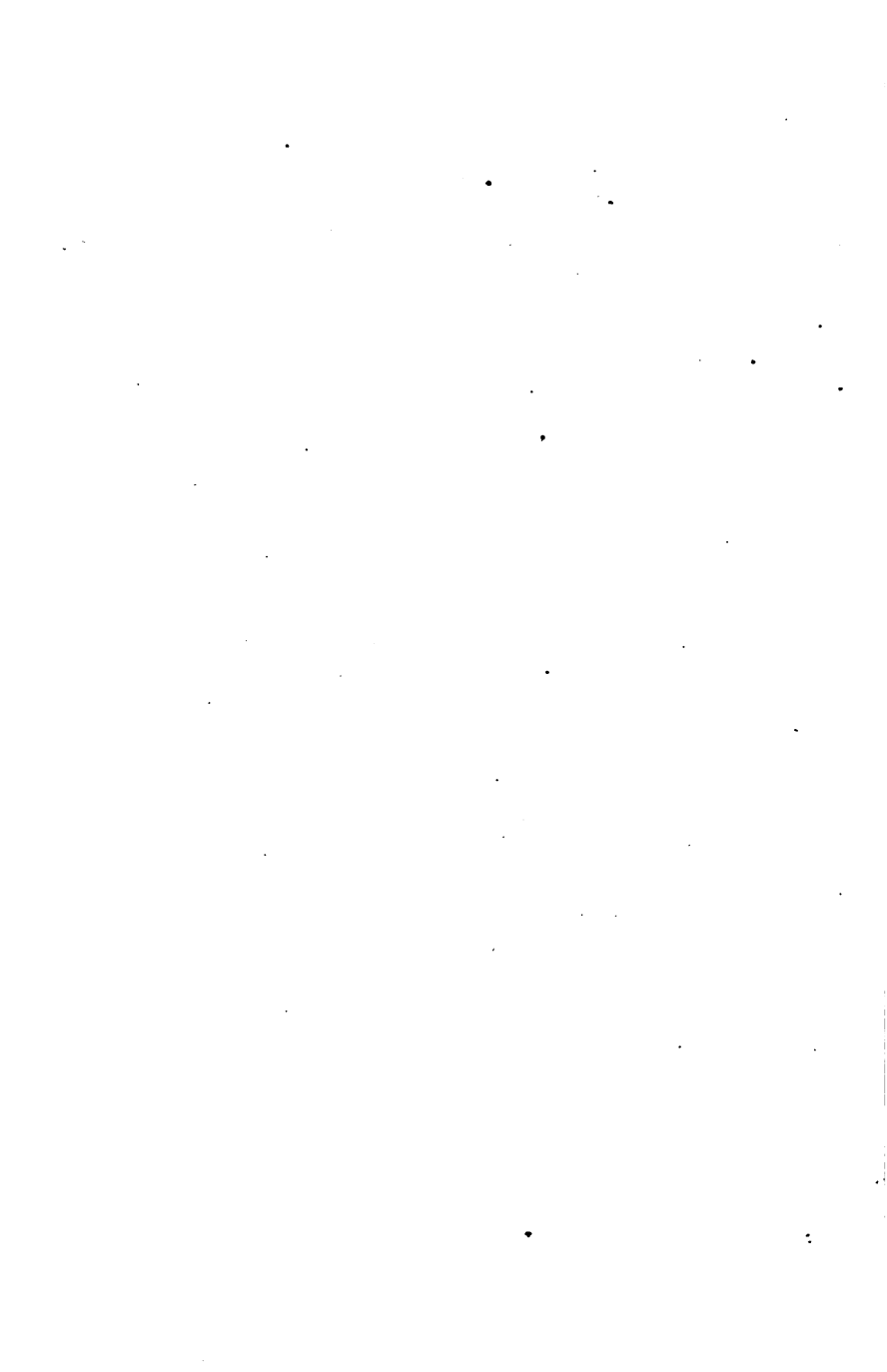
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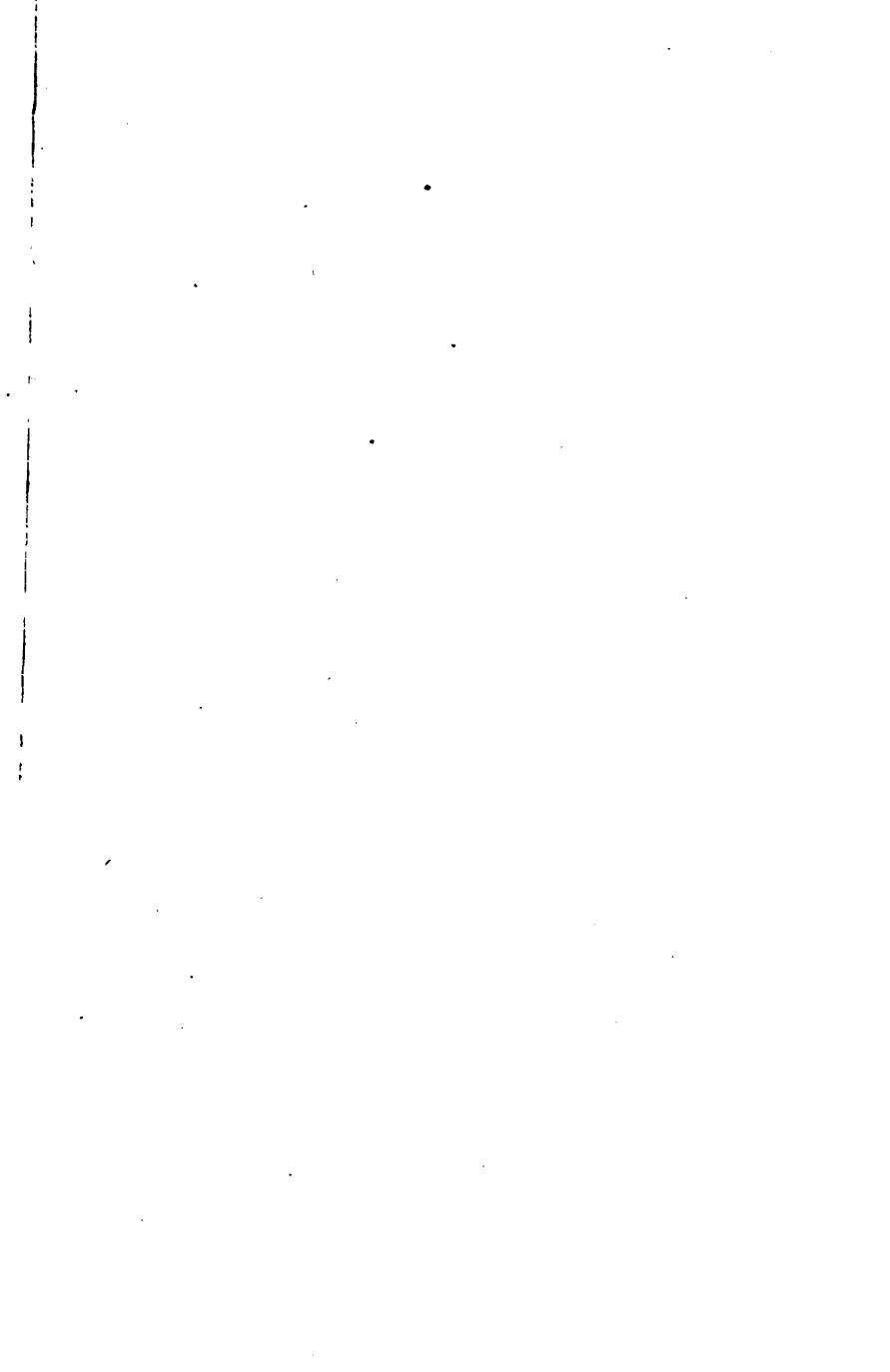
Henry W. Longfellow
From the Author in
remembrance of your
75th birthday.

Stamford Ct.,
March 1882.









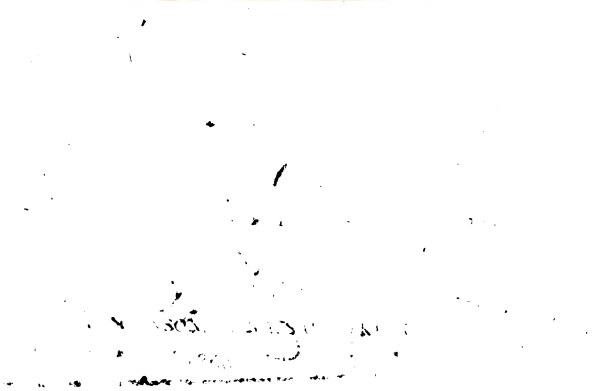


Eng. d. by Augustus Rebin N.Y.

Yours Truly

Saml. C. Tappan

"





Wm. C. ...

SELECTIONS

FROM THE

SPEECHES, SERMONS,

ADDRESSES, ETC.,

OF

SAMUEL CLEMENT FESSENDEN.

NEW YORK :

WM. P. TOMLINSON, 39 NASSAU STREET.

1869.

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DEDICATION.

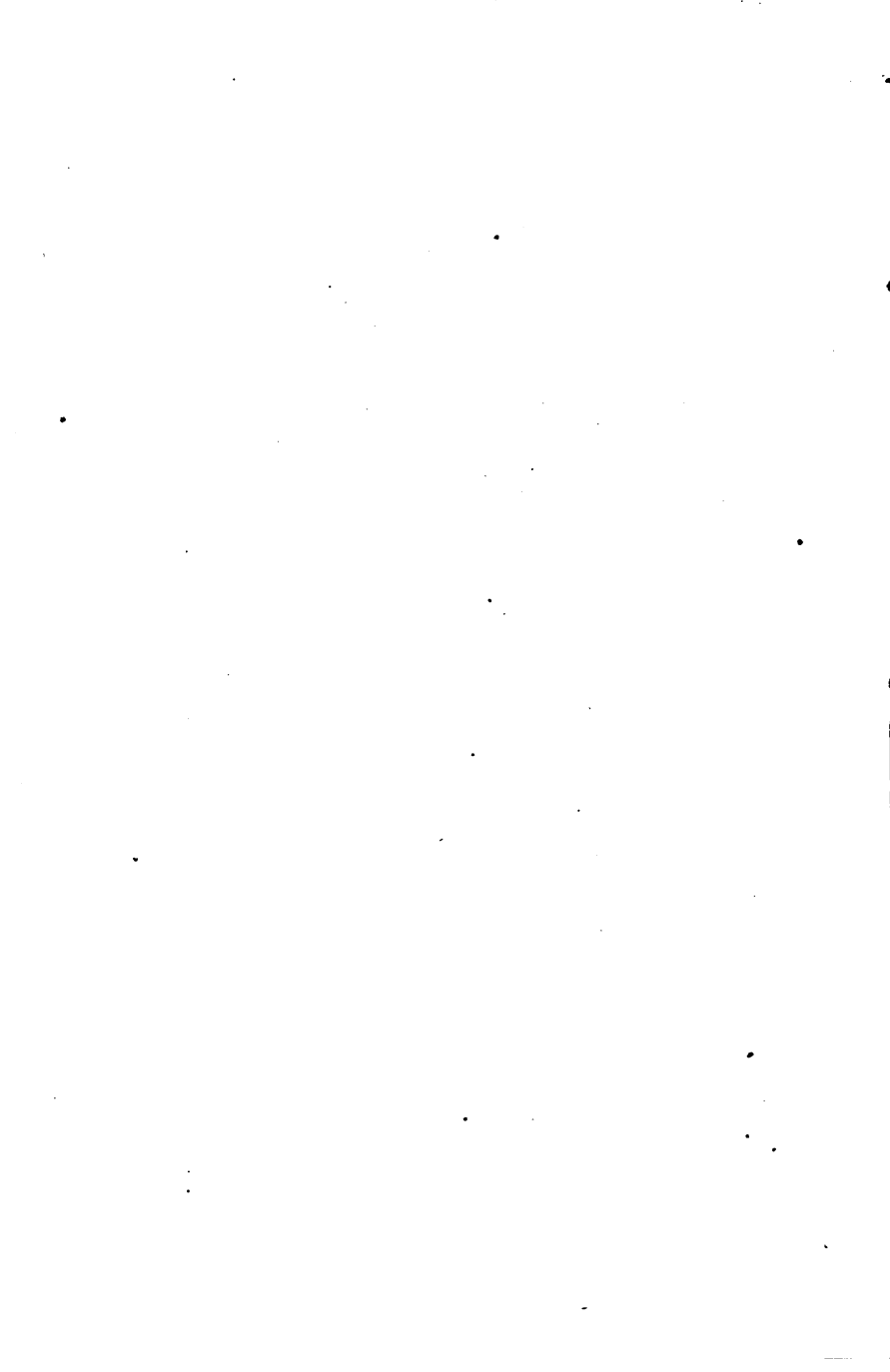
To my wife MARY A. G. A. FESSENDEN, and our children, MARCIA GROSVENOR ; JOSHUA ABBE ; ELIZA GROSVENOR ; LUCIA WILLIAMS ; SAMUEL ; MARY ELIZABETH ; DEBORAH CHANDLER ; SUSAN SPOFFORD ; SETH GROSVENOR ; OLIVER GRISWOLD ; and ABBY CALEB FESSENDEN.

You did not need this book, to be made acquainted with the doctrines which have shaped my "religious and political creed" and action ; but those of our name may succeed to whom it will be likewise a source of just pride that I did *something* at least to disseminate and perpetuate the principles on which, as I believe must stand to be permanent, the pillars of our Government and national superstructure. Hostile ideas have been contending, and for years to come must contend for the possession of this continent. Religion and Irreligion ; Freedom and Slavery. The war between them is not to be accommodated by compromise, or concession, or barter of any kind. Thank God, that in this war it has not been questionable on which side I declared myself, or whether I was outspoken for Justice and the Right.

In this regard, may it prove to be true of my children and their children—"Like father, like child,"—only more so.

SAMUEL CLEMENT FESSENDEN.

Stamford, Ct., Sept. 25, 1868.



SAMUEL C. FESSENDEN.

MR. FESSENDEN is now serving his first term in the House of Representatives. Though a new man in the National Congress, he is by no means new in the Roman sense, as being the first of his race. His name has long been familiar to the public. His father, Hon. Samuel Fessenden, of Portland, Me., has been for many years a distinguished lawyer, of rare ability and unspotted integrity. In person, too, he has the stamp of nobility. Hon. Wm. P. Fessenden, of the United States Senate, able, terse, and independent, is the oldest of a numerous family of brothers. The subject of this sketch represents the Rockland District, Maine. He was elected at the second sharp contest, by about nine hundred majority. Mr. Fessenden is now forty-seven years of age—of which twenty-two were passed in childhood and in the reception of his literary education at Bowdoin College, and a theological education at Bangor Seminary; for nearly twenty years he was Pastor of the same church at Rockland, Me. Failing health and political affinities then led him to the law and to politics. Mr. Fessenden is of medium height, slender in form, of florid complexion, with an oval face and blue eyes. In manners he is graceful and courteous, and the opponent must be very rude who could compel him for a moment to say a harsh word, or do an ungentlemanly act. In debate he is fluent and affluent. He

began life as an earnest and zealous laborer in the works of reform and human improvement. If age and experience have abated somewhat of youthful hope, they have taken nothing from the earnestness, sincerity, and zeal of the pursuit. As a specimen of his style and mode of thought, we quote a passage from his speech, delivered January 20, 1862, on the "Issues of the Rebellion":

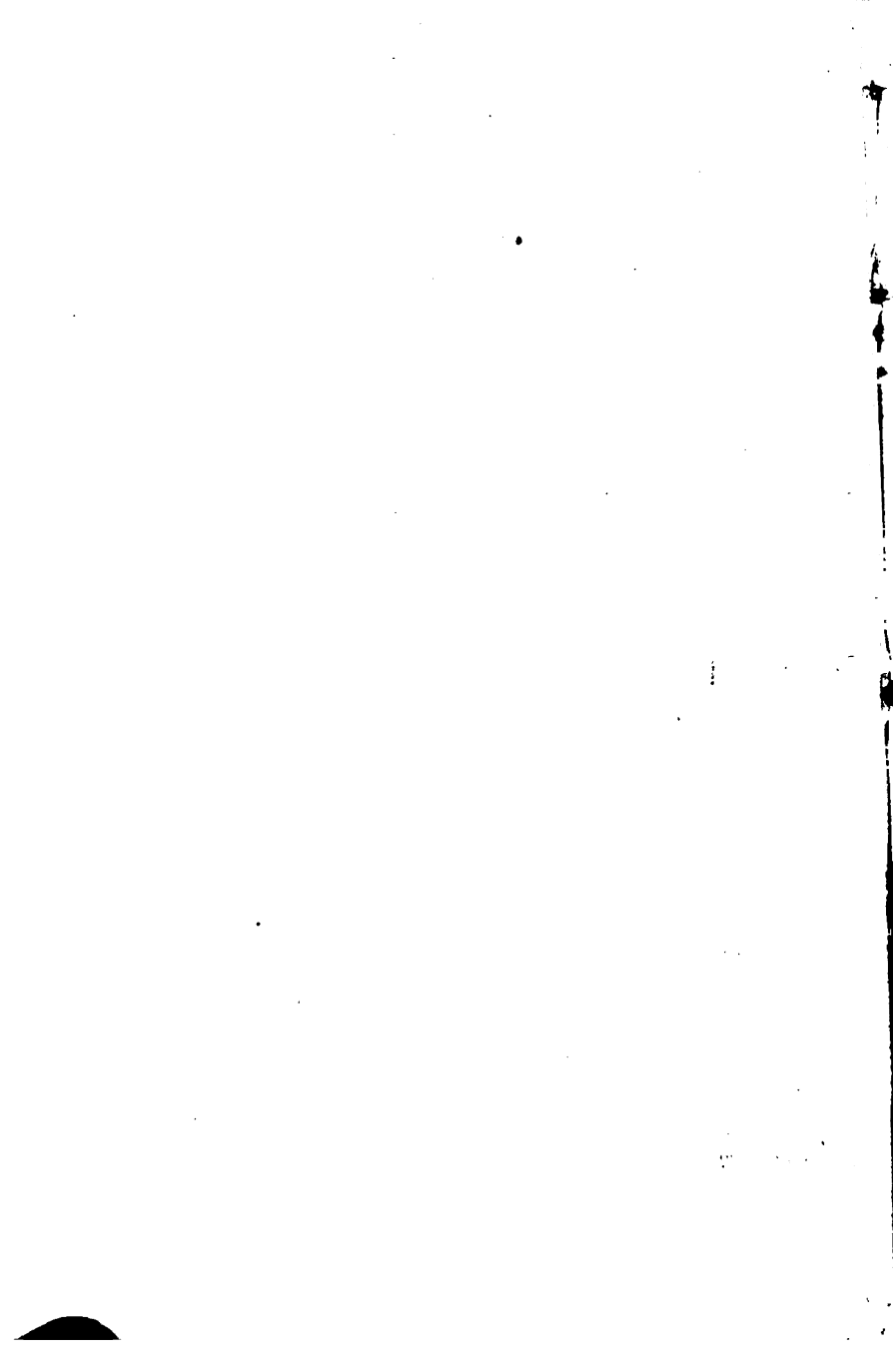
"SIR: I honor the men of an idea to which they cling with the tenacity of death, as the very life of the Republic; who scorn to run, with bare-headed debasement, the race of popularity; who take not counsel of majorities, but only of truth: These men of the Calhoun idea, that 'Slavery is the most safe and stable basis of public institutions in the world'—who cling to it as the very life of the Republic; they do not run the scrub-race of popularity; they take not counsel of majorities; I cannot add only of truth. But still I honor them for the fearlessness with which they utter their convictions; in these convictions I believe them to be conscientious. And will they not grant that we are conscientious in the idea that liberty to all, the black as well as the white man, is the life of the Republic? And in the idea of which we cannot be rid, that if Slavery should be terminated by this war, it would be, in the language of Lord Brougham of the great emancipation struggle and victory in England, '*the greatest triumph mortal man ever won over the greatest crime man ever committed!*'"

—*Extract from Glyndon's Sketches of the XXXVIIIth Congress, 1862.*

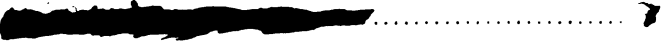
SAMUEL C. FESSENDEN was born in New Gloucester, Maine, March 7, 1815; graduated at Bowdoin College in 1834, and completed his education at the Bangor Theological Seminary in 1837; in 1838 he was ordained and installed as Pastor of the Second Congregational Church, in Thomaston, now Rockland, and dismissed, at his own request, in 1856; during that year he established "The Maine Evangelist"; in 1853 he entered upon the practice of the Law; soon after taking that

step, he was elected Judge of the Municipal Court of Rockland ; and he was elected a Representative from Maine to the Thirty-seventh Congress, serving as a member of the Committee on the District of Columbia, Government Employés, and Unfinished Business. In 1866 he was appointed a member of the Board of Examiners of the Patent Office.

—Extract from Lanman's Dictionary of the United States Congress, for the year 1866.



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SPEECHES.

THE SLAVERY QUESTION.

In the House of Representatives, Jan. 22, 1862.

The House having resolved itself into the Committee of the Whole on the State of the Union, on House Bill, No. 203, MR. FESSENDEN spoke as follows:—

MR. CHAIRMAN—It is obvious if it were not for that wheel in the machinery of “rules” of this body, which, in its revolutions, occasionally resolves the House into the “Committee of the Whole on the State of the Union,” not all would be said that might be as to measures in relation to which, whether adopted or rejected by the Congress of the United States, no member should be refused the opportunity of expressing his views. I avail myself of “the hour,” and propose to speak of the rebellion in the aspect in which it presents itself to my constituents.

With whatever thoroughness and consummate ability the questions for which the rebellion has given occasion have been

discussed here—and I am confident there has been no deficiency in this respect on either side—it is by no means to exclude, I trust, any member from availing himself of the right to be heard, in the performance of his duty to speak, as the proper medium through which his constituents are represented, and I hold it to be my duty to represent what I understand to be the will of my constituents. I am theirs to serve in this regard in this Hall—a service which I cannot conscientiously render them and my country, only as I bring to the consideration of every measure all the mental faculties I possess, and then act upon these measures in view of my responsibility to my country and my God.

What I understand to be the will of my constituents is, that this wicked rebellion should be put down. That this Government should, as speedily as possible, bring to bear upon it its gigantic power, for its utter extinguishment and extirpation, and so effectually that, when the work is done, it shall be as utterly impossible for it so much as to breathe again, as it is impossible for this rebellion to-day to give breath again to the slain, whose blood it has causelessly, wickedly shed.

My constituents are loyalists. They hold to the subordination of State to Federal authority—the unconditional support by the States of the Federal Government, within the limits of its constitutional powers. They maintain that, with secession in its final form, a rebellion backed by an army, we will not, cannot, compromise. That the only conditions, on the part of the States here represented, on which this contest can be terminated, are, that the rebel States lay down their arms, dissolve their pseudo confederacy, restore the national property which they have feloniously seized, and give up the leaders in

this rebellion to merited punishment. That they do this *unconditionally*, without any proviso for the perpetuity of slavery. Sir, my constituents are not for endeavoring to allure the rebel States, by saying to them, if you will but desist and return, you may come with your bosom institution, with the hope on your part, and the expectation on ours, that it will be so disemboweled of its hideous heart and nature, so improved and strengthened, as to be forever hereafter regarded as a beautiful polished stone in our national fabric. No, sir ; they know that this would be to seek to allure their return with a lie in reservation ; with as base a lie as ever fell from mortal lips, so flagrant and so barefaced that Lucifer himself would blush to have them utter it.

My constituents have not, in so brief a period, forgotten the words of "honest" Abraham Lincoln—and honest I believe him to be—of whom they were told he would never forget his own words, nor would one act of his Administration be inconsistent with their truthfulness, come what might—

"A house divided against itself cannot stand. I believe this Government cannot endure *permanently*, half slave and half free. I do not expect the Union to be dissolved ; I do not expect the house to fall ; but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South."

And again :

"I believe this Government has endured half slave and half free, because during all that time—eighty-two years—until the introduction of the Nebraska bill, the public mind *did* rest in the belief that slavery was in the course of ultimate extinction."

I would to heaven that during the hours of this debate,

these words of an honest man and a true patriot—who spoke what he meant, and meant as he spoke, were written in letters of fire on the four walls of this Council Chamber! And then, lest some veil of cotton or gold or national expediency should intervene to avert the eye from such a spectacle, I would that every occupant of these listening galleries were God's swift prophetic ministers, to cry continually, "Your legislation must be in agreement with these words, or Ichabod! will be your nation's doom and epitaph!"

Sir, but a very, very brief period has elapsed since the 17th of June, 1858. If *then* it had become so perfectly demonstrable to the far-seeing eye of the statesman, now President of the United States, that this Government could not *permanently* endure half slave and half free, that he could say, "*I believe it*"—is it less so now?

If *then* it was his belief that the reason why this Government had endured half slave and half free was, because during all that time—eighty-two years—until the introduction of the Nebraska bill, the public mind *did* rest in the belief that slavery was in the course of ultimate extinction, ought it to be the less his belief now? When he came to Washington, to take his place in the presidential chair, he said he would suffer death, rather than yield the principles on which he was elected. He fearlessly taught the great truth of the "irrepressible conflict" on the prairies of Illinois. Is the conflict less irrepressible now than then?

The public mind resting in the belief that slavery was in the course of ultimate extinction, the Constitution and the Union have been sustained. Sir, there is a question of the utmost significance in respect to this conflict, which, as it seems to me,

we cannot wisely refuse to consider. If every rebel State could be brought back to-day, of what avail would it be, if this Government cannot endure *permanently* half slave and half free?

In Secretary Seward's letter to Mr. Dayton (Papers relating to Foreign Affairs, page 182), I read :

“The condition of slavery in the several States will remain just the same, whether it [the revolution] succeed or fail. There is not even a pretext for the complaint that the disaffected States are to be conquered by the United States if the revolution fail; for the rights of the States, and the condition of every human being in them, will remain subject to exactly the same laws and forms of administration, whether the revolution shall succeed or whether it shall fail. In the one case, the States would be federally connected with the new confederacy; in the other, they would, as now, be members of the United States; but their constitutions and laws, customs, habits, and institutions, in either case will remain the same.”

“Words,” said a distinguished diplomatist, a few days before his withdrawal from the palace to the tomb, “words were given to conceal, not to express thought.” Not so in this instance, at least. There is no circumlocution in this language; no attempt to conceal, by phraseology of doubtful meaning, that which it was intended to enunciate. Let no one of that class of men who are continually taunting us in this world, where “circumstances alter cases,” with the exclamation that “consistency is a jewel,” allege that there is any inconsistency between the language of Secretary Seward to the minister of the United States in France, and Governor Seward of New York, who, in declining to comply with a requisition of the Governor of Virginia, for the rendition of three men who had abducted a slave from Virginia, said :

“I remain of opinion that a being possessed of physical, moral and intellectual faculties common to the human race, cannot, by force of any constitution or laws, be goods or chattels, or a thing.”

I admit it would seem as if—

“Men change with fortune—manners change with climes,
Tenets with books, and principles with times.”

No, sir, the eternal principles of right and of righteous Governments, do not change with “the times,” nor by the lapse of time. *Quod ab initio non valet, tractu temporis convalescere non potest*—that which had no force in the beginning, can gain no strength from the lapse of time. A claim or title originally defective, cannot derive any additional weight from prescription.

Is it not the philosophy of history, though we may ignore it, that all the Governments of the world have approached stability, just in proportion as they have settled down in the principles of right ; and that “the nation which over-rides justice and humanity, is ever spawning the seeds of its own destruction ?”

But slavery as it was and is, is to remain, whether the loyal States are successful or unsuccessful in this war for the defense of the Constitution and the Union. Those laws and customs and habits of slavery under which, in the year preceding President Lincoln’s inauguration, seven hundred and twenty-three men from the North were treated with brutal violence at the South ; between forty and fifty were murdered ; many were tarred and feathered, or cruelly whipped ; many were imprisoned, and robbed of their money and clothing, and no local authorities interfered for their protection. Laws and customs which would as effectually exclude millions of men in the North and West from the South, who are prosecuting this war, as though there were no South ; constitutions which, if they are to remain, leave not one particle of advantage gained by the

free States over causes which induced the South to separate, but with these causes still existing in full force, having been strengthened and not in the least weakened with a people who look at all times with contemptuous astonishment on those who—I quote the words of Mr. Leigh in the Virginia convention of 1829—

“Depend upon their daily labor for their daily subsistence, can never enter into political affairs; never do, never will, never can.”

If this be so—if such is to be the result of this war, in case the rebellion does not succeed, then this Government will have inherent in it, as it has hitherto, the elements of its destruction. Certainly, the public mind North, in this event, could no longer rest in the belief that slavery is in the course of ultimate extinction. How could it so much as reach forward to this belief? Or, if to this belief it could attain, how could it possibly rest in it, since the battles would have been fought, the victories won, at such a sacrifice of treasure and life as could not be estimated by any rule of human computation; and still the Union restored, the disaffected States brought back with their constitutions and laws, customs, habits, and institutions, as they existed previous to the rebellion? And the public mind South would rest in the belief—rest did I say? No, sir; as heretofore it has known no rest, but has been restless, active, aggressive, in the belief, so it would continue to be, that slavery must have extension and political recognition, until it shall become alike lawful in all the States. And why not? They regard “slavery as the most safe and stable basis for republican institutions in the world;” “as the corner-stone of our republican edifice;” “that no human institution is more manifestly consistent with the will of God than domestic slavery.” They

do not believe that this Union can permanently endure without the basis is so broad that the whole superstructure shall stand upon it. As patriots—as philanthropic Christian men, who would see to it that an institution fraught with such inestimable blessings, and so manifestly consistent with the will of God, should onward move, until its advantages and blessings are in the possession and enjoyment of every State—they are under the most solemn obligations to contend for it, live for it while they live, and die for it, if they must, if so be that through their instrumentality this institution may accomplish its glorious destiny, and the corner-stone of our republican edifice be immovably fixed forever. In regard to the Cincinnati platform, Mr. Benton was reported to have said at a political ratification meeting :—

“ I have told you of the attempts to kill off Buchanan in the Convention, under the two-thirds rule. There was another attempt of a different kind to do the same thing. It was with a platform, a patibulary structure, with a rope over the head and a trap-door under the feet, and so contrived that if he got on it he was swung up in the North; if not, he was laid out at the South. His friends found out the game. It was determined that he should mount the platform, be it what it might.”

In 1836, Governor McDuffie said, in his message to the Legislature of South Carolina, “ that within twenty-five years, slavery would be extended to the Northern States.” From that day to the hour of the rebellion, has that State, with its co-laborers in thought and action, vigorously endeavored to bring about the fulfillment of this prediction, and thus “ kill off” the North. And now the attempt has culminated in this rebellion, inasmuch as the quarter of a century has elapsed, and the prediction has not been accomplished.

By the aid of the rebellion, a platform has been constructed, a patibulary structure, with a rope over the head of the loyal

States and a trap-door under their feet, so that, if the States take their stand upon it, the nation is destined one day to end its existence in the North ; for it is "laid out" in its robe of dissolution and decay by the South. This platform is that construction of the Constitution by which slavery is so ingeniously bolted and riveted into it, that you can in no wise use it to crush the rebellion, but on the contrary, must so make use of it as to foster and uphold it ; and in the event of its being crushed, that construction by which the constitutions and laws, customs, habits, and institutions, of the now disloyal States, are to remain the same as they were previous to the insurrection. The loyal States are asked to mount this platform. The rope is above. The trap-door is ready for them on which to take their stand. Shall they mount it ? Is there no scheme about it which will be fatal to the North and to the Union in the end ?

I do not know what answer the President of the United States in 1862 would make to this question, if it were put to him. But I do know, and his countrymen must know, that Abraham Lincoln, of Illinois, would, in 1858, have said, in answer to the question, " Any platform, however and by whomsoever constructed, for the *perpetuity* of this Government, half slave and half free, must inevitably break down by force of that principle which works, it may be slowly, but surely, to its end, for its vitality is in the decrees of the Almighty. ' A house divided against itself cannot stand.' I refer you to my speeches in reply to Senator Douglas, in which, if there is any one proposition which I had supposed I had demonstrated, it was that this Government cannot endure permanently half slave and half free."

Mr. Chairman, possibly we may ultimately be successful in this war, without taking such measures as shall result in the abolition of slavery. Possibly we may be strong enough to do this, and leave slavery in the slave States in *statu quo ante bellum*. I do not believe, however, that we are sufficiently powerful to accomplish this object, if it be our object, because I cannot disbelieve that God has good still in store for us. But possibly, I say, we may have this power, as many have the will. But in this event, we return from victory as did the Thracian horse, still bearing a master on his back.

When a Roman emperor put his colleague and brother to death, he requested Papinian to write him out such a defense of the deed as it might be proper for him to read before the Senate. The old jurist answered, in the noblest spirit of justice, that it was a great deal easier to commit a murder, than to justify it. And though the answer cost him his life ultimately, posterity has never ceased to admire the boldness and truth of that reply. We may be able to quell this rebellion, and leave slavery as it was before the war. A Papinian would tell us that this were easier done than to justify the deed in the face of a people deeply conscious that slavery is the *primum mobile* of this rebellion ; that it feeds its flame continually ; and that to bring it back with the States, is to restore with them that condition of things under the influence of which this Government cannot endure. It may exist in name, but the name will become a deception. It will be like the Roman republic, which existed in name under the Cæsars, but the reality of which had completely disappeared.

Sir, I am to be found with those who plant themselves squarely on the ground that the constitutional, legal, and pro-

vidential aim of this war is to preserve and vindicate the Government of the United States. This is *the aim* of the war. We are agreed—do I hear from gentlemen on the other side of the house? And so we are as to the aim of the war. But it is as to *the means* which are to be employed in carrying it forward that we differ. On the one side it is proposed to confiscate the property of rebels, slaves included; the slaves of loyal men, to free them, and compensate their owners, as included in the means by which this rebellion can be the most speedily and effectually quelled, and the aim of the war accomplished. On the other, it is contended that these means ought not to be employed; that they are not adapted to meet the end proposed; that, if they were, the Republican party is pledged not to employ them, and the Government is pledged not to use them; but more than all, that to make use of these means, would be unconstitutional. Not adapted to meet the end proposed! Then the converse of the proposition is true. To let the rebels retain their slaves, and to let loyal men retain theirs—in whatever way these slaves may be used by rebels, it matters not—is a part of the means adapted to crush the rebellion, and give success to our arms. But this obviously is not true, because if they are employed to till the soil, build intrenchments, or to bear arms, they are employed in the same manner against us, that the disloyal white men at the South are employed; and there would be just as much propriety in asserting that a part of the means adapted to crush the rebellion and give success to our Government, should be not to take and disarm these white men, as not to take and disarm these slaves.

But is not our policy in this matter to be shaped by the clear

teachings of the war? If, in prosecuting the war, we have been taught that slaves afford aid and comfort to the enemy; and no aid, but much discomfort to us, is it not the part of wisdom so to shape our policy as to deprive our enemies of so much of the sinews of their strength? No, say some; the Republican party, and the Government, without distinction of party, is pledged not to meddle with slavery. When did they make this pledge? Not when at Chicago it was resolved—

“That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions, according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political faith depends;”

for this rebellion was not in existence then. When did the President give the pledge not to meddle with slavery in any way in this war? In his very last message he has told us, “the Union must be preserved; and hence all indispensable means must be employed.” Suppose it should, in his judgment, constitute a part of the “indispensable means” to be employed in preserving the Union, that slavery should be attacked at every point, is he under any pledge to hold back the sword? On the contrary, are not these very words his pledge to use the sword for the extinction of slavery, if, in his judgment, such use of it is indispensable for the preservation of the Union?

Was the passage of the Crittenden resolutions a pledge that we would, in no event, interfere with slavery? The resolutions declare—

“That this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to pre-

serve the Union with all the dignity, equality and rights of the several States unimpaired; that as soon as these objects are accomplished, the war ought to cease."

This resolution is both negative and positive in declaring the object, the purpose of the war, and must be so interpreted as to have all its parts agree, or it is valueless.

If the construction you put on a part of these resolutions, makes another part of them null and void, your construction cannot stand. If gentlemen so construe the phraseology, "this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of these States," in such manner as to restrict the Government from employing such constitutional means as it may deem necessary, be these constitutional means what they may, "to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired," their construction must be erroneous.

The question, after all, is in the point, well made, are the means which it is proposed to employ, and especially so far as the use that is to be made of slaves and slavery, "to defend and maintain the supremacy of the Constitution and to preserve the Union," constitutional?

On this question there is, and must of necessity be, a difference of opinion. Who shall decide, where doctors of the law disagree? As to Government and legislators, when the duty is forced upon them, as it is, they *must* decide, each man for himself, notwithstanding doctors of the law disagree. I know of no other course.

I do not propose to discuss the question as to the constitu-

tionality of these measures. Discussed as it has been and will be by able legal gentlemen on the floor of this house, we shall get all the light we can have upon it, without any exhibition of my want of good taste in endeavoring to augment this light. But, sir, my point still is—it must be clearly shown that the means proposed are unconstitutional, before it can be made to appear that they are not to be employed to defend and maintain the supremacy of the Constitution and to preserve the Union. It is the remark of an eminent jurist :

“The history of man does not present a more illustrious monument of human invention, sound political principles, and judicious combinations, than the Constitution of the United States.”

Sir, I have yet to see it proved, if proved it can be, that, in its “judicious combinations” we find such prohibitions as must inhibit either the Commander-in-Chief of the Army or the Congress of the United States, from employing “confiscation or emancipation,” if in their wisdom necessary in prosecuting this war. And if proved, it will give additional force to the truth of the remark, that “the best constitution which can be framed, with the most anxious deliberation that can be bestowed upon it, may in practice be found imperfect and inadequate to the true interests of society.”

Sir, I listened with pleasure to the speech of the honorable gentleman from Kentucky (Mr. Wadsworth,) because “it was the other side of this question” most ably and candidly and eloquently discussed. Although he did not show, in my humble opinion, that the position of my honorable friend from Ohio (Mr. Bingham,) in regard to the power of Congress relative to this whole subject-matter of slavery in prosecuting the war, was unsound, he was eminently successful in setting forth his

views, and what I understand to be the position of all the slave States. For this I thank him. He did not hesitate to declare that, "if you are for the emancipation of the slaves, you arm each man in those States against you." "You must choose between negro slavery or the white people of fifteen States in opposition to you." Yes, sir, here are the terms ; let the North not mistake with respect to them. If it does, it will not be the fault of my honorable friend from Kentucky.

But pray, sir, let me ask, is not this as much conditional support of the Government and the war, on the part of this gentleman, and those for whom he speaks, as it is conditional support of the Government and the war, on the part of the honorable gentleman from Kansas (Mr. Conway,) or the honorable gentleman from Massachusetts (Mr. Eliot), and those for whom they speak, when the one declares that "he will not vote another man or another dollar for this war, unless it is made a war against slavery ;" and the other, "that there should be no restoration of this Union with slavery in it." This language I quote from the speech of the honorable gentleman from Kentucky, but I have failed to find it in the timely and able speech of the honorable gentleman from Massachusetts. Why then complain of conditionalism, when, in fact, it is to be found just as much with some southern as with some northern loyalists? Why not admit that the same error, if it be an error, belongs to each, though it mocks them in different ways? No slavery, no Union ; but the white people of fifteen States in opposition to you. May we of the North not as frankly declare, no liberty for the slaves, no Union ; but the people of nineteen States against you? If you are not fanatics who insist on no Union if no slavery ; then we are not fanatics who

insist on no Union if no liberty to the slaves. Or if the one is the fanaticism of slavery, and the other of universal liberty, if we must choose between them—as it seems we must—for my part I choose the fanaticism of liberty. I cannot but think—though the honorable gentleman from Kentucky will not concur with me—that sooner or later the people of the North and West will choose this fanaticism, since choose they must.

Sir, I honor the men of an idea to which they cling with the tenacity of death, as the very life of the Republic ; who scorn to run with bare-headed debasement the scrub race of popularity ; who take not counsel of majorities, but only of truth. These men of the Calhoun idea, that “slavery is the most safe and stable basis for republican institutions in the world ;” who cling to it as the very life of the Republic—*they* do not run the scrub race of popularity ; *they* take not counsel of majorities ; I cannot add, only of truth. But still I honor them for the fearlessness with which they utter their convictions ; in these convictions I believe them to be conscientious. And will they not grant that we are conscientious in the idea that liberty to all, the black as well as the white man, is the life of the Republic ? And in the idea, of which we cannot be rid, that if slavery should be terminated by this war, it would be, in the language of Lord Brougham, of the great emancipation struggle and victory in England, “*The greatest triumph mortal ever won over the greatest crime man ever committed ?*” If you condemn us for this, let your condemnation be first of Jefferson and his compeers, who said :

“One day of American slavery is worse than a thousand years of that which we rose in arms to oppose.”

Pass all along the line of departed statesmen, and select the

most illustrious of their age in every land, and condemn them. If you have any anathema to pronounce, let it likewise fall on Seward, and Chase, and Lincoln ; for they are among the living whose well-sowed seed of truth is now raising our expectations of hearing shouted, ere long, the "harvest-home" of the reapers for liberty ! What then ? What of all this, do you ask ? Why just this, and nothing less and nothing more. Let not this contest end—it cannot terminate with principles so antagonistic living in the hearts and ever kindling the deeds of the men North and South, and a lasting Union be secured. Do not let us deceive ourselves or the people in this matter. I think Carlyle was not far from the truth when he said :

"America's battle is yet to fight, and she will have her own agony and her own victory, but on other terms than she is yet quite aware of."

Men and money my constituents would have me vote for this war ; men and money I will unhesitatingly vote for it—all of both that Government may require. The State of Maine—one of whose Representatives in this Congress I have the honor to be—has already sent into the field sixteen thousand men—five hundred more than her quota of the five hundred thousand which were thought requisite for this war. If you call for them, she will as promptly and cheerfully furnish sixteen thousand more. But let not the war policy of the Cabinet be founded on the idea of pacification without conquest, and without disturbing slavery, the continued existence of which has been considered, we fear, an essential element of pacification, whether with or without conquest.

And do not ask us to believe that the end is to be the restoration of the Union with slavery intact. Let us at least cheer our hearts with the thought, the hope, that it may be otherwise ;

and that with the end of this war, there will come the end of that which caused it, and which Mr. Rhett said, in the South Carolina Convention, "has been gathering head for thirty"—he might have said for more than thirty—"years." Confiscation—emancipation, even! Do you tell me the people will not bear it? I do not comprehend how loyal men can help bearing what the Congress, in such a day of the nation's peril, may, in its wisdom, have the resolution to do.

I have somewhere read that on a medal struck by the city of Worms in 1617, there is represented a burning candle, standing upon an open Bible, with a serpent endeavoring to extinguish it, and a hand from the clouds pointing to it, and intimating that divine strength feeds the flame. One inscription on the medal is, "O Lord, let it shine on forever!"

It is divine strength which feeds the flame of the burning candle of liberty, so brightly ablaze, still supported by our Constitution; while the green and gilded serpent of slavery, in the shape of rebellion and secession, is endeavoring to twine its slimy folds about it to extinguish it. Do you assert that slavery is not this serpent? Be it what it may, then, in this we are agreed: we will strangle it to death. And may liberty, supported by the Constitution of our fathers, shine on forever!

VIRGINIA CONTESTED ELECTION.

In the House of Representatives, Feb. 26, 1862.

The election of S. FERGUSON BEACH—MR. BEACH denying the right of the HON. CHARLES H. UPTON to his seat as the Representative from the Seventh Congressional District of Virginia—being under consideration in the following resolution :

Resolved, That Charles H. Upton is not entitled to a seat in this House as a Representative of the Seventh Congressional District of Virginia ;

Mr. FESSENDEN said :

Mr. SPEAKER—The instructions of this House to its Committee of Elections were, “to inquire into the question of the *eligibility*” of the honorable gentleman who claims to be the Representative of the Seventh Congressional District of the State of Virginia in the Thirty-Seventh Congress, “and the *regularity* of his election.” As to the eligibility, it is conceded by the committee. The only question is as to its regularity. And the conclusion to which the committee has arrived is :

“That the incumbent has produced no evidence which, either under the Statutes of Virginia, or in accordance with any precedent known to them,

would be admitted as satisfactory proof that *any* votes were *legally* cast for him as a candidate for Representative to the Thirty-Seventh Congress, either at the voting precinct at Ball's Cross Roads or elsewhere in the seventh congressional district."

But the question at once presents itself, is it *necessary* that this evidence should be produced before he can be entitled to a seat in this House? Are there *no conditions* which, having been fulfilled, preclude the necessity the existence of which the committee has taken for granted, and on which they have predicated the resolution under consideration?—the resolution that Charles H. Upton is not entitled to a seat in this House as a Representative of the seventh congressional district of Virginia. Were any votes cast for the incumbent as a candidate for Representative to the Thirty-Seventh Congress, either at the voting precinct at Ball's Cross Roads, or elsewhere within the district? Did he have a majority of all the actual votes cast?

In submitting for the consideration of this House the remarks which I may make on this case, I propose these questions as pertinent to the issue.

That *some* votes were cast for the incumbent at Ball's Cross Roads, I understand to be admitted; that he had a majority of all the votes actually cast, no one is disposed to doubt. We return then to the first question, which is, in substance, as follows: is it necessary that the sitting members should produce *satisfactory proof* that *any* votes were *legally* cast for him as a candidate before he can be entitled to a seat in this House?

Now this, I think, will be admitted: votes legally cast for him must have been votes cast in accordance with the laws of Virginia in such cases made and provided. The laws of Virginia, in this case provide, "That the county court shall

biennially appoint *five* freeholders *commissioners* of election for each place of voting in the county, any two of whom, together with another officer, called the *conductor*, are authorized to hold the election. After the polls are closed, the correctness of the poll-book is required to be certified by the commissioners and conductor. It is then made the duty of these officers, within five days after the commencement of the election, to report and deliver the poll-book so certified to the officer conducting the election, at the court-house in the same county. In the case of a congressional election, these last-named officers in the several counties in the district meet, canvass the poll-books, and make out a certificate of the result, one of which is transmitted to the Governor." It appears likewise that, previous to opening the poll, the commissioners and conductor must make oath that they will faithfully "execute the office" according to law.

If such be the election laws of Virginia, they provide for some six or eight special acts on the part of certain officers, either of which not being performed, I do not see how a candidate could be *legally* elected, notwithstanding he may have had a majority of the votes, provided there is to be a strict construction of the law. Suppose the State of Virginia had been, as a State, on the 23d day of May last, as it was on the 23d day of May, 1858, all right as to the Union, and at peace, and at the congressional election the provisions of the law, in the seventh congressional district, were not complied with; no sworn commissioners and conductor held the election; no poll-book was certified by the proper officer, or, if otherwise in these respects, these officers had no meeting to canvass the poll-books and make out a certificate of the result; or, having

held a meeting for this purpose, they failed to transmit a copy of their certificate to the Governor, what then? Why, it is perfectly obvious that, according to a strict construction of the law, the election would have been null and void. Or, will it be said this or that provision of the law is not material to render the election valid? There may have been no conformity with some particular requisition of the law, and still, in fact, one of the candidates was elected. But if you are at liberty, under some circumstances, to overrule one provision of the law and declare the candidate to have been elected, notwithstanding said provision was not complied with, may you not, under some circumstances, likewise overrule every provision of the election laws of Virginia, and declare the candidate to have been elected, notwithstanding these laws were disregarded? I do not say that at the election in May last, by which the incumbent claims to hold his seat, there was non-compliance with all or any of the election laws of the State of Virginia. But suppose there was: is this a valid reason for his ejection? This is the question.

It is well said, that "reason is the soul of the law, and when the reason of any particular law ceases, so does the law itself." When the congressional election of which we are speaking took place, where was the *soul* of the law by which certain officers in the several counties, or in any county in the seventh congressional district of Virginia, were required to meet, canvass the poll-books, make out a certificate of the result, and transmit it to the Governor of the State? It had become defunct. It had been carried off *vi et armis* by the disloyal Governor of Virginia, his sheriffs, and conductors, and its very life taken from it. There was no more occasion or

usc. for any of these officers to meet, canvass the poll-books, make out a certificate of the result, and transmit it to the Governor of Virginia; than there was for them to meet and go through this form and transmit a copy of their certificate to the Governor of Maine. There was no Governor of Virginia to receive their certificate, just as there was no Governor of Maine who would receive it. There would have been no reason for their so doing. The reason for the act was gone; the soul of the law was wanting; it had been divested of its spirit and meaning. There was nothing left of it but the letter, which was of no account.

But "no return was made of the election at Ball's Cross Roads to the sheriff or conductor at the court-house in Alexandria." The sheriff had fled; he had no intention of being there to receive the return. And suppose he had not fled, but could have been found at the court-house on some of the five days after the commencement of the election, to receive the return of the commissioners; what reason would there have been in their making the return to this disloyal sheriff for the purpose of his sending "the certificate" to the disloyal Governor? There were armed men at the opening of the polls at Ball's Cross Roads on the 23d day of May, "in active rebellion;" the roads were traveled daily by many violent secessionists. Why should these commissioners persist in going to the court-house to see a sheriff who was not there, to afford him an opportunity of sending a certificate to a Governor who had no official existence—an opportunity which, if the Governor had been officially alive, the sheriff would have had no inclination to improve?

“But the result of the election”—

we read in the report of the committee—

“was in no manner certified, authenticated, or proved by the officers conducting the election at that precinct, or in any other mode known to the law.”

By the election laws of the State of Virginia, “the officers” were to certify “the result of the election” according to a certain prescribed mode. Any other mode than that prescribed by the laws would have been illegal. There is no evidence that they did not so certify, other than that arising from presumption, based on the fact that it was quite, if not altogether, impossible for them to certify, or authenticate, or prove the result of the election in accordance with the provision of the law. The commissioners made oath “faithfully to execute the office of commissioner.” And it is to be presumed that they did faithfully execute the office to the best of their knowledge and ability. It is a sound law maxim, I believe, “that all things are taken to be lawfully done until proof is adduced to the contrary.” Fraud shall never be intended or presumed or adduced by the law, unless it is expressly averred. If a faithful execution of their trust required these commissioners to certify to the correctness of the poll-book, and to do certain other things as declarative of the result, who shall venture to assert that they were not done, because no further evidence or proof than the oath of the commissioners to do these acts is adduced to show that they were performed?

Then, again, the result of the election is in a “manner” certified, authenticated, and proved by some of the officers conducting the election at that precinct. It is truthfully certified; no one will assert to the contrary.

Admit, for the sake of the argument, that the result is not certified in any manner known to the law, still, if we have the truth stated, we have the substance, and something in the manner or mode of stating the result which ought to be known to the law, and held in great respect by lawyers as it is. Why, Mr. Speaker, the wonder to me is, when I consider the circumstances in which these commissioners were placed, not that they failed to certify, authenticate, and prove the result of the election in a mode known to the law, but that they certified, authenticated, and proved the result in any manner or mode whatever.

There they were—the Governor of Virginia in open rebellion against the United States ; the sheriff and conductors in rebellion ; not a few of the people in rebellion ; angry discussion in almost every house ; armed men walking about avowing their secession doctrines, and ready to assault any loyal man who objected to them ; all excitement ; all anxiety ; and no man feeling that there was any security left for himself, his family, or his property ; it is wonderful if the commissioners were so calm, so collected amidst the storm of passion, as to so much as think of certifying to a return of the election ; more wonderful still had they been so cool as to make it in accordance “ with laws which,” as they were counseled, “ had ceased to be the laws of the State,” “ and that to observe these laws would be highly illegal and improper.”

Do you ask the incumbent to produce “ satisfactory proof” that he was elected Representative to the Thirty-Seventh Congress in the seventh congressional district of Virginia, and say to him that the only proof that can be so regarded is that which will show that he has been *legally* elected, and you mean

by "legally," in accordance with the election laws of that State in 1858? You require of him that which he cannot do. The law does not seek to compel a man to do that which he cannot possibly perform. Says Sir. W. Scott :

"The law itself, and the administration of it, must yield to that to which everything must bend—to *necessity*; the law, in its most positive and peremptory injunctions, is understood to disclaim, as it does in its general aphorisms, all intention of compelling to impossibilities, and the administration of laws must adopt that general exception in the consideration of all particular cases.

"In the performance of that duty, it has three points to which its attention must be directed.

"In the first place, it must see that the nature of the necessity pleaded be such as the law itself would respect, for there may be a necessity which it would not—a necessity created by a man's own act, with a fair previous knowledge of the consequences that would follow, and under circumstances which he had then a power of controlling, is of that nature.

"Secondly, that the party who was so placed used all practicable endeavors to surmount the difficulties which already formed that necessity, and which, on fair trial, he found insurmountable. I do not mean all the endeavors which the wit of man, as it exists in the acutest understanding, might suggest, but such as may reasonably be expected from a fair degree of discretion and an ordinary knowledge of business.

"Thirdly, that all this shall appear, by distinct and unsuspected testimony; for the positive injunction of the law, if proved to be violated, can give way to nothing but the clearest proof of the necessity that compelled the violation.

"It is, then, a general rule which admits of ample practical illustration, that *impotentia excusat legem*, where the law creates a duty or charge, and the party is disabled to perform it, without any default in him, and has no remedy over—there the law will in general excuse him."

In the matter of the election in the seventh congressional district of the State of Virginia, on the 23d day of May last, the law created a certain duty which commissioners, conductors, and sheriffs were unable wholly to perform. They were disabled, without any default in them, and have no remedy over; and here the law should excuse them. The nature of the necessity which was laid upon them, their unavailing practicable endeavors to surmount the difficulties which formed

that necessity, and this having been made to appear by distinct and unsuspected testimony, is sufficient to render them justified in the eye of the law for not having complied with its provisions. By reason of their failure to do that which they could not possibly perform, it is that the incumbent has failed—if he *has* failed—to do that which *he* could not possibly perform. I beg to quote again the language of the eminent jurist, and to say that here we have a case—if there ever was such a case—to which the principle is applicable, and to which justice in the case requires that it be applied :

“ The law itself, and the administration of it, must yield to that to which everything must bend—to *necessity* ; the law, in its most positive and peremptory injunctions, is understood to disclaim, as it does in its general aphorisms, all intention of compelling to impossibilities, and the administration of laws must adopt that general exception in the consideration of all particular cases.”

The Constitution provides that—

“ Each House shall be the judge of the elections, returns, and qualifications of its own members.”

It is as judges, it is in a judicial capacity, we are here to decide this case. It is a well-known judicial maxim, that “ it is the duty of a judge, when requisite, to extend the limits of his jurisdiction.” BROOM says :

“ The maxim of the English law is to amplify its remedies, and, without usurping jurisdiction, to apply its rules to the advancement of substantial justice; and, accordingly, the principle upon which our courts of law act is to enforce the performance of contracts not injurious to society, and to administer justice to a party who can make that justice appear by enlarging the legal remedy, if necessary, in order to attain the justice of the case; for the common law of the land is the birthright of the subject, and *bonus iudex secundum acqum et bonum iudicat, et aequitatem stricto juri praeferit.*”

LORD HOBART observes :

“ I commend the judge who seems fine and ingenious, so it tend to right and equity; and I condemn them who, either out of pleasure to show a

subtle wit will destroy, or out of incuriousness or negligence will not labor to support the act of the party by the art or act of the law."

Now, is it not our duty in this case to enlarge the legal remedy in order to the advancement of substantial justice, and to administer justice to a party who makes that justice to appear, to the end that the justice of the case may be attained?

Not long since I listened to the honorable gentleman from New York, [Mr. DIVEN.] He said :

"I desire, however, to draw a distinction between rebellious *States* and rebellious *people*, and to draw a distinction between a civil and a foreign war. In a foreign war, all the citizens of the State with which we are at war are our common enemies—no matter whether they are engaged in the conflict or not. But, sir, in civil war, none are our enemies but the persons who voluntarily embark in the war; and the rules and usages of war cannot apply to any other of the citizens than those who are actually engaged in it. Even those who may be forced into a position by the rebel power are just as much entitled to our protection, although they may have their domicile in South Carolina, as though their domicile may be in Connecticut. All laws applicable to the protection of the property and persons of citizens of the United States, extend all over the United States. It makes no sort of difference where the citizen may dwell, he can say, 'I am a citizen of the United States, and I appeal to the protection of our Constitution and our Laws.'"

While he enforced the rights of a citizen of the United States under the Constitution, and while he made some statements, advanced some views, to which I could not assent, he did state a proposition to which I would call your attention in this connection as coming within the scope of my argument.

Mr. Speaker, the question I have to ask is, if even those who may be forced into a hostile position by the rebel power are just as much entitled to our protection, although they may have their domicile in South Carolina, as though their domicile may be in Connecticut; if all laws applicable to the protection of the property and persons of citizens of the United

States extend all over the United States ; if it makes no sort of difference where the citizen may dwell, he can say, I am a citizen of the United States, and I appeal to the protection of our Constitution and our laws—if this be true with respect to those who may be forced into a hostile position by the rebel power, how much more is it true in regard to those who loyally and heroically stand out against the rebel power, and boldly assert and maintain their rights? So stood forth the honorable gentleman from the seventh congressional district of Virginia on the 23d of May last, and the few noble men who, with their lives in their hands, went to the polls on that day and deposited their votes, or demanded their right to do so, for a Representative to the Thirty-Seventh Congress.

The honorable gentleman did not seek to be the candidate. He earnestly entreated other gentlemen to suffer themselves to do so good a work for a periled State and nation. But no ; as the convention of Virginia had, by ordinance, declared that no election for members of Congress should be held in the State, these gentlemen regarded it “as highly illegal and improper,” at least very inexpedient, for either of them to think of being a candidate. And they were neither candidates nor voters on that day. They left the incumbent to do the best he could for his State and country without their assistance. They left the brave men and true patriots, few as they were in number, to breast the storm alone, and be shipwrecked by it for all they cared. And now they come into this Congress to-day to take advantage of their own wrong, and disloyalty it may be, and to deprive the incumbent and his constituents of the justice which is their due ; to deprive them of their right to be represented on this floor. They claim—the constituents of the

incumbent who voted for him and those who would have voted for him—that they conformed to the election laws of Virginia as far forth as they were permitted and were able to do so. They claim that the honorable gentleman is the man of their choice, the man who stood by them, his State, and the nation, when others fled ; risked his all, and cared not what would be the consequences if he could only do them, Virginia and the United States, the service which he would have been a coward and a traitor had he not then rendered.

Shame on the poltroons who, having mustered courage enough under the protection of three or four hundred thousand muskets to hold an election for member to Congress in the seventh district, now come into this House and ask that the incumbent be ejected to give place to the man who would take it from him ; and that the few voters, who well deserve what they ask, should be unheeded, to gratify the many voters if you please, who do not deserve to have their request ; for they are here with the everlasting disgrace upon them of having failed to show their loyalty when their State and country stood most in need of it. The law and equity and the Constitution regard those only who watch, and not those who sleep. They are for the protection of those who take due care of their rights ; who make it to appear that they set a proper value upon them.

I have no hesitation in saying that to my mind here is a case in which we have a right to enlarge the legal remedy, in which it is our duty to do so. Substantial justice will be done by our so doing ; and, to my view, substantial injustice, if we take a different course. The justice of the case is far, very far from being attained, if we say to the incumbent and his constituents :

although you are citizens of the United States, you appeal in vain to the protection of our Constitution and our laws in a matter so vital to your interests as is that of being represented on the floor of this House in a day when, if ever, you need as loyal citizens all the encouragement and protection which you can derive from this regard for your rights.

But it is obtaining a seat in Congress at too cheap a rate, it has been alleged, to permit a gentleman to take a seat here, backed by so few votes. Sir, it is no mean price which this man or any of the honorable gentlemen of this Congress from the border States have paid for the high honor, whether the votes by which they were elected were many or few. Proscribed and hunted and robbed and peeled by rebels on their track—by rebels who will hang them to the nearest tree, if perchance they can lay hold of them, which God forbid—this is the price these gentlemen pay ; this is the price the honorable gentleman from the seventh district has paid in part, and he may yet have to pay it in whole.

I have thus, as briefly as I could, endeavored to set forth the principles by which I shall be governed in the vote which I shall give. But I have another word to add to those which I have already spoken, before I take my seat. I have a right to speak *of* the honorable gentleman as well as of his case. If an acquaintance, early ripened into close friendship, which had its commencement nearly thirty years since, under the smile of our alma mater, and has been perpetuated during all this period, to this dark day in our nation's existence, when she needs and will have the undivided support of the true hearts and strong arms of all her loyal sons, and when the taint of disloyalty must and ought to condemn any man to

whom it justly attaches to everlasting ignominy ; if all this, and conjoined with this, a vivid recollection of the fearful night I passed under his hospitable roof, which had so long ministered to the wants of our brave officers and soldiers, to be succeeded by the more fearful morning when he gathered around him his family and was compelled to take a hasty departure and to abandon his all to the enemy, never again, it may be, to have his homestead restored to him ; if all this does not give me a right to speak of him, what can give me or any man this right ? Not his keen perception of the fitness of things, which fitness of things he may be fearful I shall violate ; not his frown of displeasure shall deter me from the exercise of this right. It is not his to dictate to me to-day what I shall say of him, no more than it is his to dictate my action on his case. I have to say what, it is true, need not be said to any man who knows him, or to any man who lives to know him, that he is no suppliant for favor ; he demands justice only of this House for himself and his constituents. He would not take as a favor, if he could have it, that which your sense of justice would lead you to withhold. Be the decision of this House what it may, this is left to him, and of it he cannot be divested ; nothing can make him swerve from his loyalty and the path of duty for his country's good ; nothing on earth or in hell, nothing in heaven, would. His only desire is to see the Constitution maintained, the Union restored, as the result of victories which our Army must and will achieve, and he cares not to what use he or his may be put, if so be that he renders some service towards accomplishing so glorious an object.

TAX BILL.

In the House of Representatives, March 20, 1862.

The question being on the Amendment offered by MR. STEELE, of New York, to reduce the Tax on Lager Beer to twenty-five cents per barrel; in the course of the debate, MR. FESSENDEN made the following remarks:

MR. CHAIRMAN—I oppose the amendment to the amendment for the reason assigned by the gentleman from New York [MR. STEELE] for opposing it. The gentleman said he was in favor of the amendment because the provision as it stood in the bill would amount to an absolute prohibition of the manufacture of the article. Now, sir, I am in favor of it for that very reason, if it be true that the tax proposed to be levied would amount to a prohibition of this traffic. If the sale of lager beer, strong beer, and porter, could be confined to the section of country from which the gentleman comes, I should have no objection to it in any aspect in which the gentleman might choose to consider it; but, sir, the kind of liquor of which he speaks, this beer, ale, porter, is doing us far more

damage in the East than your whisky and your brandy. Our young men take their first lessons in intemperance in the strong beer, lager beer, and porter which they get. They progress then to whisky, and finally graduate, such graduation as it is, with brandy.

Mr. BLAIR, of Missouri. I ask the gentleman to allow me to say that I do not think he understands the meaning of lager beer. It is not a strong beer at all.

Mr. FESSENDEN. I understand that ; but does the gentleman say that lager beer is not intoxicating ?

Mr. BLAIR, of Missouri. Has the gentleman ever drank lager beer ? [Laughter.]

Mr. FESSENDEN. I have.

Mr. BLAIR, of Missouri. Well, sir, I am satisfied the gentleman is laboring under a delusion. It was not lager beer that he drank ; it was something spurious. [Laughter.]

Mr. FESSENDEN. Not at all. It was the genuine article.

Mr. BLAIR, of Missouri. The meaning of lager beer is laid beer. It does not mean strong beer at all.

Mr. FESSENDEN. I ask the gentleman if he is of opinion that lager beer possesses no intoxicating qualities ?

Mr. BLAIR, of Missouri. I have drank a great deal of it, and never felt any effect from it, and I am surprised to hear the declaration made by the gentleman from Maine in regard to it.

Mr. FESSENDEN. The declaration that I made and repeat in regard to it is, that if there is anything intoxicating in it I shall be glad if a duty is imposed upon it sufficiently high to prohibit the traffic in it so far as my section of the country is concerned. That is all. The point I desire to present is,

that I am in favor of imposing such a duty, if possible, as shall prohibit the manufacture or sale of all intoxicating liquors.

Now, sir, so far as ale, porter, and lager beer are concerned, I believe that if such a duty should be imposed upon them as should result in an absolute prohibition, the revenue of the Government would rather be increased than diminished thereby. I believe the men who use it in the section from whence I come would have the money wherewith to purchase other articles upon which a larger revenue would be derived, by being deprived of the use of all intoxicating liquors. I am, therefore, in favor, in respect to these articles, and in respect to all articles of intoxicating liquors, of increasing the duty upon them to an extent that shall make it prohibitory ; and in that way I believe we should increase our revenue rather than diminish it.

PACIFIC RAILROAD BILL.

In the House of Representatives, April 17, 1862.

The House having resolved itself into the Committee of the Whole on the State of the Union, the Pacific Railroad Bill being before the Committee for its consideration, in the course of the debate MR. FESSENDEN made the following remarks:

MR. CHAIRMAN—I have a few words to say on this subject. The project has been before the country and before Congress for several years. It has been discussed in all the newspapers of the land. It has been incorporated certainly into the platform of the Republican party, and I believe into the platform of the Democratic party. It has been presented heretofore in both branches of Congress by members of the Democratic party. It is familiar to us all that at the convention of the Republican party, by which Abraham Lincoln was nominated for President, a plank was inserted into the platform to the effect that a railroad to the Pacific ocean was imperatively demanded by the interests of the whole country.

If a railroad to the Pacific ocean was imperatively demanded

by the interests of the whole country then, I ask whether that railroad is not imperatively demanded by the interests of the whole country now? I ask gentlemen upon this floor what has transpired in this country, what change has taken place in our interests, that should render this resolution nugatory?

Mr. PIKE. Let me ask whether the war was included in the Chicago platform?

Mr. FESSENDEN. No, sir, it was not; but I take the ground that the war is an additional reason, and makes it still more imperative, so far as the interests of the country are concerned, that this railroad should be constructed. Why, sir, we hear time and again upon the floor of this House that there is imminent danger that a war with foreign nations may be involved in the issues of this civil war, and the question arises what, in such an emergency, is to become of the Pacific States? If we are to have a war with other nations, and we are in the same condition as regards the communication with the Pacific coast that we are to-day, I repeat, what are we to do? I hold, sir, that the military necessities of the country afford an additional reason for the speedy construction of this road to those which operated upon us when we met as a party in convention at Chicago and adopted our platform, upon which, as the Republican party, we intend to stand.

Now, I do not believe it will do for us as a party—if I may mention party in this connection—to ignore this plank in our platform. I do not believe it will do for us to deceive the people in this respect. We were in earnest, we meant what we said when we declared that the best interests of the country required the construction of this road. And now the people of the country ask us to come forward and redeem our pledge

thus solemnly made. They say to us to-day, "give us a bill, give us a chance to act;" and when the gentleman asks where is the money to build the road with, it is sufficient to reply that the people have impliedly said that they will furnish the money by asking for the authority to build the road. They propose to furnish the money if Congress will furnish them the authority to expend it in the construction of the road.

Let us pass this bill, and the responsibility will rest with the people. It will have been removed from our shoulders to those of the people. If they cannot construct the road, if they have not the money, or if they decide that this is not the time to construct the road, they cannot turn round and say to Congress, "the responsibility is upon you."

I believe with the gentleman from Pennsylvania, and with every gentleman upon this floor, that this is a work for a nation to accomplish. I believe that when constructed, if it ever be constructed, it will be a chain running through every State, binding them all together, every link of which is welded by a common interest and a common destiny. I believe it will be taking a great step towards a point at which we are some day to arrive, when American minds, American systems, and American influence will control throughout the world; towards the point which we hope one day to reach, when our ideas will prevail in the nations of Europe, Asia, and Africa.

But, sir, I am not in favor of the substitute which has been introduced by the gentleman from Pennsylvania as the Pacific railroad bill which this House should pass. I think the objections to that bill have been well stated by the honorable gentleman from Illinois, [Mr. LOVEJOY.] I am rather in favor of the substitute proposed by the gentleman from Illinois, and

I rise more particularly to say that if gentlemen on the floor of the House will examine the two bills, and compare them with each other, they will find that the amendment proposed by the gentleman from Illinois is far preferable to that proposed by the gentleman from Pennsylvania.

Let me say in reference to the substitute introduced by the gentleman from Illinois, that it is based upon a company chartered by the State of Maine, and I can say of the gentlemen mentioned in the bill as composing the company, that they are among the most respectable men in our State. They are men who do not enter upon any project without giving it due consideration. They are men, in short, who are capable, and may be relied on to carry through any project which they undertake. I believe the substitute of the gentleman from Illinois is, in reality, is in fact, the project for which the people ask, and which they will sustain, if we will give them the opportunity; and that a road built under it would emphatically be the people's railroad.

Now, sir, I disagree with my colleague [Mr. PIKE] as to the propriety of postponing the consideration of this bill until December next. I believe that it will not do to postpone it; that the people will not be satisfied with its postponement. I believe it is better to give them what they ask now, and then we shall see whether they will be true to their contract on their part—whether they will carry out the provisions of this bill. Give them the chance, and not, in consequence of frivolous objections, or of any objections, withhold from them what they ask—an opportunity to show that they are in earnest. I shall vote for the substitute of the gentleman from Illinois, and not for that of the gentleman from Pennsylvania.

And now, Mr. Chairman, I will finish my remarks by desiring that the following extract from a paper which I hold in my hand as expressive of views in which I concur, relating to the substitute of the gentleman from Illinois, may be read.

The Clerk read, as follows :

“ From the foregoing synopsis, it is apparent that this is the simplest, plainest, and most practical bill yet presented for the consideration of Congress, in connection with this great national object. It is simply a contract between one company and the Government for the construction of this road and telegraph, every feature of which looks straight forward to the substantial, sure, and early completion of the work, with very reasonable assistance from the United States.

“ There are no speculative features about it, no mystery, no confusion, no difficulty. The company will be sustained by the people of the United States, for it is eminently ‘ the people’s road.’ They will subscribe to its stock, will pay their subscriptions, and those subscriptions, the Government bonds, and the lands, will be used to build the road. It will be completed as speedily as possible, not less than at the minimum rate fixed by the bill, but probably much faster. By these means the Atlantic and Pacific sections of our country will be brought within a few days of each other, and will be bound together with bands of iron, and of mutual feelings, interest, and commerce, that will make us eminently one people. If the amount appropriated should be in excess of that actually required, the bonds will not be used, but returned. The lands will be settled as they are sold, and the proceeds faithfully applied to this great work. Bonds and lands will be passed over to the company only as the work progresses, and hence there can be no possibility of loss or misapplication. If the amount appropriated is not sufficient, the company will raise the balance, and promptly and efficiently complete the work ; or, the Government will have its remedy in its own hands by foreclosing on the company and taking all its property.”

Mr. THOMAS, of Massachusetts. I desire to ask the gentleman from Maine whether the platform of which he speaks contains this resolution :

“ *Resolved*, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depends.”

Mr. FESSENDEN. It does ; and I will inform the gentleman that the same platform also contains this resolution :

“ That a railroad to the Pacific ocean is imperatively demanded by the interests of the whole country.”

Mr. THOMAS, of Massachusetts. Then, in God's name, if you keep the one, keep the other.

Mr. MORRILL, of Vermont. I am delighted to hear these plaudits, these magnificent descriptions of the business, the commercial interests of our country, and its future prospects. But we, as legislators, must look at this question in a plain and practical view, and step down from the lofty heights of the imagination.

Now, in regard to the platform of the Republican party, alluded to by the gentleman from Maine, I will say that I recognize the plank there inserted. But the times have changed, and when the question is whether I shall knock out my brains against a plank, or take the plank out of the way, I prefer to sacrifice the plank before I will sacrifice my brains : I will sacrifice the plank before I will peril the existence of the country.

Mr. FESSENDEN. I do not propose that the gentleman shall do that. I think by passing this bill is the way to keep the brains in the Republican party.

CONFISCATION OF REBEL PROPERTY.

SECOND SESSION OF THE THIRTY-SEVENTH CONGRESS.

In the House of Representatives, May 22, 1862.

The House having under consideration the Bills to Confiscate the Property and Free the Slaves of Rebels, MR. FESSENDEN said :

MR. SPEAKER—I ask leave of the House to have the Resolutions of the Legislature of the State of Maine read at the Clerk's desk.

The resolutions were read as follows :

“ Resolved, That we cordially indorse the Administration of Abraham Lincoln in the conduct of the war against the wicked and unnatural enemies of the Republic, and that in all its measures calculated to crush this rebellion speedily and finally, the Administration is entitled to, and will receive, the unwavering support of the loyal people of Maine.

“ Resolved, That it is the duty of Congress, by such means as will not jeopard the rights and safety of the loyal people of the South, to provide for the confiscation of estates, real and personal, of rebels, and for the forfeiture and liberation of every slave claimed by any person who shall con-

tinue in arms against the authority of the United States, or who shall in any manner aid and abet the present wicked and unjustifiable rebellion.

“*Resolved*, That in this perilous crisis of the country, it is the duty of Congress, in the exercise of its constitutional power, to ‘raise and support armies,’ to provide by law for accepting the services of able-bodied men of whatever status, and to employ them in such manner as military necessity and the safety of the Republic may demand.

“*Resolved*, That a copy of these resolutions be sent to the Senators and Representatives in Congress from this State, and that they be respectfully requested to use all honorable means to secure the passage of acts embodying their spirit and substance.”

Mr. FESSENDEN. Mr. Speaker, on the 7th of March, 1862, the Legislature of the State of Maine passed four resolves; in the Senate by a vote of twenty-four *yays* to four *nays*; and in the House by a vote of one hundred and four in the *affirmative* to twenty-six in the *negative*. It was ordered that a copy of these resolves be sent to the Senators and Representatives from the State in Congress, and “that they be respectfully requested to use all honorable means to secure the passage of acts embodying their spirit and substance.” These resolutions have just been read. I intend, as one of the Representatives in this Congress from the State of Maine, to comply with this request; and if the House will bear with me for a short hour, I will give my reasons. To give my reasons is a part of the “honorable means” which it is my duty to employ, in accordance with the will of the State.

Mr. THOMAS, of Massachusetts. Will the gentleman allow me to ask him whether he holds that the course which the Legislature of the State of Maine may have selected in respect to the decision of the constitutional question is one which he is bound to follow, although his own convictions may be to the contrary?

Mr. FESSENDEN. Not under all circumstances.

MR. THOMAS, of Massachusetts. Do you under these circumstances, when a question of constitutional right is involved?

MR. FESSENDEN. Not at all. I should be sorry to have the gentleman refer to them as an admission that I feel myself to be bound by them, whatever my convictions of duty may be. There are, however, some two or three preliminary questions which, from my stand-point, must be decided before I can well proceed to the conclusion to which I hope to arrive. One question is this: is it possible to bring forward a bill by which Congress can constitutionally confiscate the property of rebels, real and personal, and for the forfeiture and liberation of every slave claimed by any person who shall continue in arms against the United States?

I admit, it would seem as if it is not possible. Several attempts have been made to frame and bring forward what was declared and believed by some to be such a bill. The Committee on the Judiciary early made the attempt and failed. A minority report from this committee gave us a bill drawn up by the able gentleman from Ohio, [Mr. BINGHAM]; and the able gentleman from Massachusetts, [Mr. THOMAS,] and other gentlemen learned in constitutional law, were of opinion that it was, in some of its sections, manifestly unconstitutional. We have before us the bills now under consideration, and amendments and substitutes, and still there are gentlemen whose opinion is deserving of great weight, who have no hesitation in declaring that these bills are not constitutional in some of their provisions.

The honorable gentlemen who have introduced these bills have done their best, and failed of accomplishing the object, it may be. And we are bound to believe that the honorable

gentlemen, whose opinion it is that these bills are unconstitutional, could have done no better, because in their judgment no bill of confiscation and forfeiture would be constitutional.

Suppose, then, we assume it to be true that it is not possible for Congress to bring forward such a bill as is comprehended in the question proposed. To my mind it follows that the Congress cannot do what rebels, under the protection of the Constitution, have done and may continue to do. They confiscate the property, real and personal, of the loyal subjects of this Government. This act of theirs does not remove them from constitutional protection. Their estate, real and personal, is still made secure to them as far forth as the Constitution of this Government is concerned. Such is the result of this constitutional prohibition; it is protection for the rebels, but no protection for him in his estate who is not a rebel, since the rebel may seize it if he can, and Congress has no power to compensate the robbed loyalist, by saying to him, we will confiscate the rebel's estate, and restore by this means your property.

The rebels can say to the loyalist, your slaves are free, and freed they are. But Congress cannot say to the rebel, your slaves are set free, and the slaves of rebel masters still they are.

A few miles from this city there lives a gentleman who preferred to abandon his homestead rather than be a rebel. His rebel brother stepped in the day he was driven out, and said, "all this property is mine." This rebel, who is worth his thousands, took his brother's estate, and for no other reason than because he would not serve under the rebel flag; and though this loyal man has his homestead to-day, which the rebel brother has been compelled to abandon. rebels in the

neighborhood break down his fences, pillage from his barn, carry off his timber—rebels who read in the newspapers, “Congress cannot constitutionally confiscate our property or liberate our slaves.” It is good for the rebels—such reading—but it is hard for loyal men. In this regard, the rebels certainly have that which may give them, which does give them, great advantage in this war. They can say to any man who hesitates to cast in his lot with them, “come with us; your estate we take if you do not. You shall pay gold for all the real and personal property you have in the District of Columbia, or New York, or Massachusetts into our treasury. If you do come with us, we do not take your estate; neither will the United States take it. Congress cannot constitutionally confiscate your property or liberate your slaves, though you are a rebel. Read it in the *Daily Globe*. Do not as able jurists as they have in Congress say this? You retain your estate by fighting on our side, by guarantee both from the South and North.” But the United States calls, as she has a right to do, for the services of this man. Yet all she has to say to him is, “you must let your property, South and North, if the rebels can get hold of it, go to destruction; you must be taxed; you must fight; nor can we constitutionally confiscate a dollar of rebel property to make up your loss, but you will have the satisfaction of knowing that you do all this to preserve the Constitution and save the Union.” Sir, it is a Constitution under which, by such a construction of it, men in this condition are subjected to an egregious wrong; and a Union which, if restored, must leave them with heart-burnings such as must exist in the breast of the victims of injustice.

It is an advantage for rebels to be able to make those whom

they would influence believe that they would do them no wrong, no harm in body or estate, while they would suffer injury in estate, if not in body, by casting their lot with loyal men.

Again : it is not impossible that the rebels may put their estate, real and personal, to such effective use in the prosecution of this war as to show beyond question that so long as they are permitted to retain their estates the war will not terminate. In this event, this "constitutional barrier" becomes a very serious matter. It is "a dead lock ;" and the nation's epitaph would be : "Killed by its Constitution."

Impossible for Congress constitutionally to confiscate the property of rebels, and liberate their slaves ! Then it is not true that "the laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation than a strict observance of the written law," THOMAS JEFFERSON'S opinion to the contrary notwithstanding. Says Mr. JEFFERSON :

"To lose our country by a scrupulous adherence to the written law would be to lose the law itself, with life, liberty, property, and all those who are enjoying them with us ; thus absurdly sacrificing the end to the means."

The President of the United States did not admit that he was so bound by "constitutional shackles" that he could not shake them off when this war commenced, and the pressure of stern emergency was upon him, and do that for the doing of which he had no constitutional authority, unless you find it in the spirit of this instrument and not in the letter. He had no idea of losing the country by a scrupulous adherence to the very letter of the Constitution. He is a Hamiltonian Presi-

dent. But notwithstanding this illustrious example, if it be that the property of rebels cannot be constitutionally confiscated and their slaves forfeited, however imperative this measure may seem to be, it follows that the power of Congress in this regard is not co-extensive with that of the President. He can do that to save the country which Congress cannot do. Sir, to-day he is dear to the hearts of us all, because, when this extreme case called for a remedy so violent even as that of disregarding the letter of the Constitution, he had the wisdom and patriotism to apply it. He was "constrained to call up, invoke, and put in exercise" "more of power, more of force than the Constitution provides, or than is limited by the Constitution." This is the view which some entertain as to what he actually did. He "was constrained from our necessities to do it." Nor did he "acknowledge before the world," in pursuing this course, "that our institutions are insufficiently founded, and that we are, after all, compelled in the period of trial to resort to the force which they say is necessary to the existence of nations, and [that] our experiment is a failure;" but he did accede to the soundness of the Jeffersonian doctrine, "that circumstances do sometimes occur which make it a duty in officers of high trust to assume authorities beyond the law," and that the Constitution must be so construed that the means shall be proportioned to the end.

But, again: if it is possible to bring forward a constitutional confiscation and liberation bill, is it expedient? Is it expedient to pass such a bill?

I hold it to be expedient, because it is the policy which justice dictates and demands. This rebel war is an extreme case. Let the remedy in whole or in part be as violent as it may,

justice demands the application of it. Do you say "confiscation" is no part of the remedy? How do you know that until it is tried? It is not required of us to know the certainty of the remedy before justice would have us use it. Its probability, in an emergency, authorizes and demands its application. EDMUND BURKE has said: "Justice is of itself the great standing policy of civil society; and an eminent departure from it under any circumstances lies under suspicion of being no policy at all." It is the highest policy of that Government which is bound by the maxim, "*salus populi suprema est lex,*" as the only means of obtaining the end. By no other means can the main end of every just Government be attained than by that policy which is based on a supreme regard for justice.

But do you say that the bill proposed would inflict retrospective punishment—a punishment not previously affixed by law—and is therefore inconsistent with justice? This is upon the assumption that in no case has retrospective punishment been justly inflicted. Will any gentleman maintain this? Even HALLAM, in his Constitutional History of England, admits "that a punishment not previously affixed by law to the offences of STRAFFORD should have been inflicted; that he should have been degraded from his rank, and condemned to perpetual banishment, by act of Parliament;" and MACAULAY, in his review of HALLAM, sustains this principle of retrospective punishment in the case of a powerful and wicked statesman. There are instances of perfidy and atrocity which you cannot reach by a punishment previously affixed by law; but reached they must be, or justice will be outraged. So in this rebellion. The crime on the part of these leading rebels is perfidious and atrocious; and if the bill was not limited in its application to

those who continue in rebellion, and was retrospective in its action, it would no more than meet the claims of justice.

Further : I hold it to be expedient to liberate the slaves of rebels because it will be a constitutional step towards the ultimate annihilation, as we may hope, of a moral, social, and political wrong, which alone has at any time imperiled our liberty and prosperity. The peril in which it has put our institutions, and it alone, was so obvious to the now President of the United States, that in 1858 he asked the question, and it was not answered by his opponents by showing that there was any other thing which threatened the existence of this Union and our liberty. He asked the question—

“ Has anything ever threatened the existence of this Union save and except this very institution of slavery? What is it that we hold most dear among us? Our own liberty and prosperity. What has ever threatened our liberty and prosperity save and except this institution of slavery?”

Again, in his speech at Ottawa, Illinois, August 21, 1858, Mr. LINCOLN said :

“ I leave it to you to say whether, in the history of our Government, this institution of slavery has not always failed to be a bond of union, and, on the contrary, been an apple of discord and an element of division in the house. I ask you to consider whether, so long as the constitution of men's minds shall continue to be the same, after this generation and assemblage shall sink into the grave and another race shall arise, with the same moral and intellectual development we have, whether, if that institution is standing in the same irritating position in which it now is, it will not continue an element of division? If so, then I have a right to say that, in regard to this question, the Union is a house divided against itself.”

Once more, in his speech at Alton, Illinois, October 15, 1858, in which he clearly defined the status of the Republican

party in this regard, and from which it has taken no departure, he said :

“ The real issue in this controversy—the one pressing upon every mind—is the sentiment on the part of one class that looks upon the institution of slavery as a wrong, and of another class that does not look upon it as a wrong. The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican party. It is the sentiment around which all their actions, all their arguments circle, from which all their propositions radiate. They look upon it as being a moral, social, and political wrong ; and while they contemplate it as such, they nevertheless have due regard to its actual existence among us, and the difficulties of getting rid of it in any satisfactory way, and to all the constitutional obligations thrown about it. Yet, having a due regard for these, they desire a policy in regard to it that looks to its not creating any more danger. They insist that it should, as far as may be, be treated as a wrong, and one of the methods of treating it as a wrong is to make provision that it shall grow no larger. They also desire a policy that looks to a peaceful end of slavery at some time as being wrong. These are the views they entertain in regard to it, as I understand them ; and all their sentiments, all their arguments and propositions are brought within this range. I have said, and I repeat it here, that if there be any man among us who does not think that the institution of slavery is wrong in any one of the aspects of which I have spoken, he is misplaced, and ought not to be with us. And if there be a man among us who is so impatient of it as a wrong as to disregard its actual presence among us and the difficulty of getting rid of it suddenly in a satisfactory way, and to disregard the constitutional obligations thrown about it, that man is misplaced if he is on our platform. We disclaim sympathy with him in practical action. He is not placed properly with us.”

I would say to the honorable gentleman from New York [Mr. DIVEN] that these are no “ garbled extract(s) from Mr. LINCOLN’S speeches”—I am not in the habit of making such from any man’s speeches—“ to leave the impression upon the House and on the minds of the people, so far as the circulation of his [Mr. FESSENDEN’S] speech is concerned, that Mr. LINCOLN is the advocate of the abolition of slavery by congressional action or by the war power.” But I shall take it for granted that his sentiments in 1858, as they are found in these extracts, are his sentiments in 1862.

Hence, I am led to the remark, that take the constitutional step of liberating the slaves of rebels, and, in my judgment, you adopt a policy in regard to slavery that looks to its not creating any more danger.

Sir, there is great horror manifested on the part of some gentlemen lest the cause of the slave should in some way be identified with this war. Well, sir, if it does not become identified with this war, it will be for the same reason that CATALINE rejected the slaves that crowded to enlist in his army : it was " lest he should seem to identify their cause with that of the citizens." The Cataline of this conspiracy, which has culminated in this rebellion, forces slaves into his army, while we reject the slaves that would enlist in our army ; while we reject colored men, be they slaves or not, lest we should seem to identify their cause—the cause of freedom—with that of the citizens. It will be a blot on the page of the history of this nation in ages to come, that though we fought for the preservation of our liberty, it was for *our* liberty, and not for the liberty of humanity—a Catalinish fear controlled us, and we lost the golden opportunity forever.

But the honorable gentleman from Kentucky, [Mr. MAL-LORY,] who addressed the House this afternoon, asked gentlemen, what do you propose to do with the slaves if, in accordance with your hopes and wishes, they are set free ? I reply to that gentleman, we do not propose to do anything with them. We propose to allow them to do for themselves. We propose, in respect to them, to have it known that in no State or Territory in this Union shall they from henceforth be regarded as goods and chattels, to all intents and purposes whatsoever. We propose to let them know that every hus-

band may have his own wife, that every wife may have her own husband ; that all parents may have their own children ; that they may earn wages, and receive and demand the wages, if withheld, which their labor entitles them to receive ; that they may have all the benefits accruing from living under the administration of just laws, and that they may breathe God's free air as white men breathe this air.

The honorable gentleman from Illinois [Mr. RICHARDSON] asserts that the negro race is greatly inferior to that of the white man. Is he fearful that this inferior race will become the superior if these disabilities are removed under which the colored race in the United States has been crushed under the heel of oppression? "The white man shall rule in America," said a Senator in his place, "and the nigger never!" For one, sir, I say, and I believe I express the feelings of my constituents, at least, when I declare that there is no objection to the negro having a fair chance in America ; and if he shows himself to be the superior race, the more shame for us, and the more praise for them for coming out at the head when we had placed them, and designed to keep them, at the very foot of civilization.

Mr. Speaker, I am well aware that in making such quotations as I have from the speeches of Mr. LINCOLN, I shall subject myself to the suspicion of being an extremist, an abolitionist. I cannot help it, however. I could not find so much truth so well expressed in any other book at my command. The high encomium which has been passed upon him on this floor, as "a far-seeing statesman and judicious President," will not, I trust, be thought to be the less deserved by reason of my thus making use of his wisdom, by any gentleman on this



pebbles and release the rock from *its*

the contemplation of one of these 'pot
made, and seek for that result and *that*
most resemble them, I am sure that *he*
' In truth, these scenes that I have
by looking upon one of these men,
the effect of the 'single idea' by *which*
involuntarily, 'is a moral pot hole with
larger and the pebble smaller every

take to reform men of 'one idea.' The
them, and whole freshets of truth are
not to make it more lively in its grind-
of wearing out itself and them. The
physician to take a quart of medicine,
imper that he *did* not hold but a pint,
those who are subjects of a 'single
and it would be useless to prescribe a
years, in which everything is new, and
cles of self-constituted doctors, each of
physical and moral disorders and dis-
manity may achieve its proudest pro-

The country is full of hobby riders,
they are leading a grand race to a golden
their steeds are tethered to a single idea,
they to tread down the grass, and wind
and at last amid the world's ridicule,

General Jackson is reported to have
he took to support the Constitu-
swore to support it as he under-
worthy gentleman will not insist
and application to this extract,
caution and application that suits

I find that "the moral pot hole"
mind of the man of the "single
single idea." The "single idea"
grows larger every year. Now,

side of the House ; I am sure it will not be by any gentleman on the other side.

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powerful enough to dislodge the pebbles and release the rock from its attrition.

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“I suppose it is useless to undertake to reform men of ‘one idea.’ The real trouble is that the pebble is in them, and whole freshets of truth are poured upon them only with the effect to make it more lively in its grinding, and more certain in its process of wearing out itself and them. The little man who, when ordered by his physician to take a quart of medicine, informed him with a deprecatory whimper that he *did* not hold but a pint, illustrates the capacity of many of those who are subjects of a ‘single idea.’ They do not hold but one, and it would be useless to prescribe a larger number. In a country like ours, in which everything is new, and everybody is free, there are multitudes of self-constituted doctors, each of whom has a nostrum for curing all physical and moral disorders and diseases—a patent process by which humanity may achieve its proudest process and its everlasting happiness. The country is full of hobby riders, booted and spurred, who imagine they are leading a grand race to a golden goal, forgetful of the truth that their steeds are tethered to a single idea, around which they are revolving only to tread down the grass, and wind themselves up, where they may stand at last amid the world’s ridicule, and be stoned to death.”

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look at this. The pot hole is worn in the solid rock by a single pebble kept in motion by the water. Day after day the water falls incessantly on the pebble, and the pebble strikes persistently on the one place on the rock, until at length the indentation is made ; attrition begins and continues until into that solid rock the pebble makes its way, and does the very work and service the God of nature appointed it to do.

How exceedingly apt an illustration have we here of the mighty power there is in a single idea, if there be in it a grain of truth even, much more if it is all truth, well and persistently used to extirpate the evil it is designed to reach. I suggest to the gentleman that influence, as a power, does not consist so much in the number of ideas which a man has, as it does from the nature of the ideas themselves. The one idea of one man may be of vastly more power and vastly greater influence than the twenty ideas of another man, and by it a vast deal more of evil or good may be effected. How was it with **IGNATIUS LOYOLA**, who planted himself in his institute of Jesuitism in the heart of the Catholic Church, permeated that whole vast body, and influenced the counsels, the legislation, the acts of the civilized world ? The learned **ISAAC TAYLOR** says of him :

“ It was the task of Loyola to forge upon many hundred minds the idea of the society ; and in the execution of this task, far more than in the compilation of its code, he displayed a power and a unity of purpose surpassed by few of the achievements of either philosophers or legislators.”

RICHARD CHEVENIX TRENCH, who is thought to be one of the profoundest and most learned thinkers of this or any age, says :

“ Certainly there is nothing in the study of the past which fills one with more awe and wonder than the infinite significance of a single man.”

True, the history of the world shows how great events, whole epochs, have hung or hinged upon some single man—some LUTHER or CROMWELL. Sir, I will be bound to say, it was one idealism which made these men infinite. It was a single but comprehensive masterly idea, using these men as levers that moved the masses, moved the world, moved the ages, and is moving us to-day, carrying us onward, straight onward, over every obstacle to the temple of liberty, the doors of which “thinking bayonets” will now throw wide open, and keep open until the men of this country, of whatever color or language—it matters not—shall enter in. It is to the temple of liberty—

“Men of thought—men of action—
Clear the way!”

But, Mr. Speaker, wide apart as the gentleman and myself may be on the question at issue, I think he will admit that it does require the unity and concentration of a single idea to bore the bony shells in which the minds of some men are encased. And many are the instances, alas! when you have reached these minds that you have your labor only for your pains, for you find there no “moral pot hole” in which to lodge the smallest pebble of truth; but the hole is quite the reverse of moral, in which the truth falls as a pebble dropped into the Dead Sea, where all is dead, and where there is so much corruption that nothing remains to you but despairful forebodings.

In this national crisis, what we want is “that rare courage which dares commit itself to principle, believing that nature is its ally and will create the instruments which it requires, and more than make good any petty and injurious profit which it may disturb.” The salvation of the country depends upon its

having this want supplied. Such courage here would give to the people what they ask for—a confiscation and liberation bill.

Mr. Speaker, in conclusion, I take this opportunity to remark that, since I have been upon the floor of this House, I have observed that there is no better abused class of men than the abolitionists. I take occasion to say that, in the extracts which I have read this evening from the speeches of ABRAHAM LINCOLN, we have abolitionism as I understand it.

Mr. WICKLIFFE. Does the gentleman charge the President with being an abolitionist?

Mr. FESSENDEN. Do I charge him with being an abolitionist? I charge him with the abolitionism avowed by the sentiments which he has uttered, and which utterances I have read to-night; and I declare them to be sufficient abolitionism for me. When gentlemen on the other side of the house charge me with being an abolitionist, I wish them to understand that I am no more of an abolitionist than ABRAHAM LINCOLN'S sentiments in the matter of slavery sustain me in being. If he is an abolitionist by uttering these sentiments, then so am I.

I say, sir, such were the abolition sentiments which were uttered as long ago as 1835, and from those sentiments the abolitionists have never departed, except those who are called GARRISON abolitionists. Time will not permit me to substantiate the truth of this remark by reading the paper I have before me, and which I expect to put into my speech. And such is the abolitionism which I would thank gentlemen to charge me with when they state that I am an unconstitutional abolitionist.

TO THE PUBLIC.

In behalf of the American Anti-Slavery Society, we solicit the candid attention of the public to the following declaration of our principles and objects. Were the charges which are brought against us made only by individuals who are interested in the continuance of slavery, and by such as are influenced solely by unworthy motives, this address would be unnecessary; but there are those who merit and possess our esteem, who would not voluntarily do us injustice, and who have been led by gross misrepresentations to believe that we are pursuing measures at variance not only with the constitutional rights of the South, but with the precepts of humanity and religion. To such we offer the following explanations and assurances:

1. We hold that Congress has no more right to abolish slavery in the Southern States than in the French West India Islands. Of course, we desire no national legislation on the subject.

2. We hold that slavery can only be lawfully abolished by the Legislatures of the several States in which it prevails, and that the exercise of any other than moral influence to induce such abolition is unconstitutional.

3. We believe that Congress has the same right to abolish slavery in the District of Columbia that the State Governments have within their respective jurisdictions, and that it is their duty to efface so foul a blot from the national escutcheon.

4. We believe that American citizens have the right to express and publish their opinions of the constitution, laws, and institutions of any and every State and nation under heaven; and we mean never to surrender the liberty of speech, of the press, or of conscience, blessings we have inherited from our fathers, and which we intend, so far as we are able, to transmit unimpaired to our children.

5. We have uniformly deprecated all forcible attempts on the part of the slaves to recover their liberty. And were it in our power to address them, we would exhort them to observe a quiet and peaceful demeanor, and would assure them that no insurrectionary movement on their part would receive from us the slightest aid or countenance.

6. We would deplore any servile insurrection, both on account of the calamities which would attend it, and on account of the occasion which it might furnish of increased severity and oppression.

7. We are charged with sending incendiary publications to the South. If by the term *incendiary* is meant publications containing arguments and facts to prove slavery to be a moral and political evil, and that duty and policy require its immediate abolition, the charge is true. But if this term is used to imply publications encouraging insurrection, and designed to excite the slaves to break their fetters, the charge is utterly and unequivocally false. We beg our fellow-citizens to notice that this charge is made without proof, and by many who confess that they have never read our

publications, and that those who make it offer to the public no evidence from our writings in support of it.

8. We are accused of sending our publications to the slaves, and it is asserted that their tendency is to excite insurrection. Both the charges are false. These publications are not intended for the slaves, and were they able to read them they would find in them no encouragement to insurrection.

9. We are accused of employing agents in the slave States to distribute our publications. We have never had one such agent. We have sent no *packages* of our papers to any person in those States for distribution, except to five respectable resident citizens at their own request. But we have sent by mail single papers addressed to public officers, editors of newspapers, clergymen, and others. If, therefore, our object is to excite the slaves to insurrection, the **MASTERS** are our agents!

10. We believe slavery to be sinful, to be injurious to this and to every other country in which it prevails; we believe immediate emancipation to be the duty of every slaveholder, and that the immediate abolition of slavery by those who have the right to abolish it would be safe and wise. These opinions we have freely expressed, and we certainly have no intention to refrain from expressing them in future, and urging them upon the consciences and hearts of our fellow-citizens who hold slaves or apologize for slavery.

11. We believe that the education of the poor is required by duty, and by a regard for the permanency of our republican institutions. There are thousands and tens of thousands of our fellow-citizens, even in the free States, sunk in abject poverty, and who, on account of their complexion, are virtually kept in ignorance, and whose instruction in certain cases is actually prohibited by law! We are anxious to protect the rights and to promote the virtue and happiness of the colored portion of our population, and on this account we have been charged with a design to encourage intermarriages between the whites and blacks. This charge has been repeatedly, and is now again denied; while we repeat that the tendency of our sentiments is to put an end to the criminal amalgamation that prevails wherever slavery exists.

12. We are accused of acts that tend to a dissolution of the Union, and even of wishing to dissolve it. We have never "calculated the value of the Union," because we believe it to be inestimable, and that the abolition of slavery will remove the chief danger of its dissolution; and one of the many reasons why we cherish and will endeavor to preserve the Constitution is, that it restrains Congress from making any law "abridging the freedom of speech or of the press."

Such, fellow-citizens, are our principles. Are they unworthy of Republicans and of Christians? Or are they in truth so atrocious, that in order to prevent their diffusion, you are yourselves willing to surrender at the dictation of others, the invaluable privilege of free discussion, the very

birthright of Americans? Will you, in order that the abominations of slavery may be concealed from public view, and that the Capital of your Republic may continue to be, as it now is, under the sanction of Congress, the great slave mart of the American continent, consent that the General Government, in acknowledged defiance of the Constitution and laws, shall appoint throughout the length and breadth of your land ten thousand censors of the press, each of whom shall have the right to inspect every document you may commit to the post-office, and to suppress every pamphlet and newspaper, whether religious or political, which, in his sovereign pleasure, he may adjudge to contain an incendiary article? Surely we need not remind you that, if you submit to such an encroachment on your liberties the days of our Republic are numbered, and that although abolitionists may be the first, they will not be the last victims offered at the shrine of arbitrary power.

ARTHUR TAPPAN, *President.*

JOHN RANKIN, *Treasurer.*

WILLIAM JAY,

Secretary Foreign Correspondence.

ELIZUR WRIGHT, Jr.,

Secretary Domestic Correspondence.

ABRAHAM L. COX, M. D.,

Recording Secretary.

LEWIS TAPPAN,

JOSHUA A. LEAVITT,

SAMUEL E. CORNISH,

SIMEON S. JOCELYN,

THEODORE S. WRIGHT,

Members of the Executive Committee.

NEW YORK, September 3, 1835.

All honor to those noble men and their compeers, WILLIAM LLOYD GARRISON not excepted, who more than a quarter of a century since had the Pauline boldness not to take counsel of men, but of truth, and who in their property and persons took the consequences in the outrages to which they were subjected for the sake of the poor slave and the rights of American citizens, white men as well. They have lived to see that "he who has God on his side, is always in the majority." We learned the lessons at their feet, and from their success to rely upon

the merits of our cause and upon God, who to the right will give the victory.

I hope that the bills now under consideration will be passed by the Thirty-Seventh Congress.

DIPLOMATIC RELATIONS.

Thirty-Seventh Congress, June 3d, 1862.

The Bill authorizing the establishment of Diplomatic relations with Hayti and Liberia being under consideration, Mr. FESSENDEN made the following remarks thereon :

Mr. SPEAKER—The gentleman from Massachusetts [Mr. Gooch] in support of the bill for the appointment of diplomatic representatives to the republics of Hayti and Liberia, urged the measure as a matter of justice and expediency. In the course of his remarks, he adduced some statistics to show the commercial standing and importance of these countries, and that the commercial relations of the United States would be benefited by the appointment of such representatives.

The friends of this bill could not reasonably expect that it would pass without opposition. They had reason to expect, however, that the opposition, from whatever quarter it might come, would be that of an analysis and review, and a refutation, if possible, of the cogent arguments by which the gentleman from Massachusetts [Mr. Gooch] supported his bill.

I was expecting such a review when the gentleman from Ohio [Mr. Cox] took the floor, and which, though it might fail to convince, would afford additional evidence of the comprehensive and statesmanlike views of the honorable gentleman, of his liberal culture, and genuine patriotism. But I have to confess I was exceedingly disappointed. He had not been ten nor more than five minutes in his speech before, by reason of a question put by myself, in all good faith, because I wanted light and thought he might be able to give it, his ruling passion took possession of him, and his intense disgust for anything that looks negroward, carried him into that fanatical strain of remark into which he is sure to be carried whenever the shadow of a black man crosses his path.

The gentleman from Massachusetts had said that he wished to put Hayti on the same footing as other independent nations; and if that republic should send a minister, we should receive him just the same as England and France do. The gentleman from Ohio replied that she would send negro ministers here, with all the rights and dignities enjoyed by Lord Lyons and Count Mercier; and I asked the gentleman what objection there was to that. To this question the gentleman replied, with a good degree of feeling, and very emphatically: "What objection! why, does the gentleman want to introduce black ministers into the White House? I object to it. I am opposed to this step towards putting the negro on an equality with the white man." And he said he believed that this attempt to have Hayti and Liberia recognized, had its origin in the fact that they were nations of black men, and in the desire of abolitionists to aid in the emancipation of the slaves through the recognition of the independence of these countries.

Now, I repeat the question, what objection is there to these countries sending to the United States such ministers as they please, and to our receiving them as we are bound by the comity of nations to receive them? Hayti and Liberia will expect this if their independence is acknowledged. They have not as yet reached that national dignity to which they should attain before they are made the recipients of this acknowledgment, if they expect or consent to take anything less. But is it the opinion of the gentleman from Ohio that no man can be found in all Hayti or Liberia of sufficient intelligence and refinement and wisdom to discharge the duties of an ambassador? If it is, I think the gentleman needs light. Hayti has its literary institute; Liberia its college, of no mean reputation. The chief magistrate of Liberia, and the judge of its supreme court, are said to be, by gentlemen who are well informed on this point, men of intelligence, of literary and professional acquirements, in no ordinary degree. There is in one of the British West India Islands a black man who was liberally educated in England, a man of the first order of intelligence, and of honor and wealth. I refer to Hon. Samuel J. Prescod, of Barbadoes, of whom Dr. Lloyd observes, in his Letters from the West Indies: "We thought we had never met with more intelligence and refinement." And it is by no means a sure thing, as the gentleman from Ohio assumes it to be, that Hayti and Liberia cannot furnish men of this stamp. And would it be derogatory to this country, at home or abroad, to receive such men from these countries as their ambassadors—such men as Damier, who is at St. James, and L'Espinage, who is a man of color, at Paris? I do not know that the gentleman would be obliged to choose them for his company.

Mr. Cox. I understand the gentleman, then, to say that he would be willing to receive any one, without regard to color, who might be sent as minister to this country.

Mr. FESSENDEN. Yes, sir ; any one who may be sent by a Government with whom we have diplomatic relations.

Mr. Cox. I ask the gentleman whether, upon the same principle, he would allow the Sublime Porte to send here a Turk, with a harem of a hundred wives, if he chose to send him here accompanied with that domestic institution ?

Mr. FESSENDEN. I am, perhaps, not as well posted as the gentleman from Ohio as to what the law of nations would require in the case to which he refers. My opinion, however, is, that we are bound to receive such ambassadors from the nations with which we maintain diplomatic relations as they may see fit to send. This is in accordance with the comity of nations, as I understand it.

Prejudice in favor of the colored man and emancipation is it, that leads any of us to desire to do a simple act of justice by these nations with a national claim for the recognition of their independence, which France, England, Italy, Spain, Holland, Prussia, Russia, Austria, and various lesser Powers, have long since acknowledged ? Sir, if the gentleman would rid himself of his prejudice against the colored man, and his groundless fear of abolitionism, I think he would be found on the side of justice in behalf of these nations. Yes, sir ; and he would admit that he has either seen or heard of men, black men, in his day, of sufficient knowledge and refinement to be fit representatives in any Court, and to be received into society of the highest rank, from which prejudice against color, if it excludes them, is prejudice against civilization and humanity, and the " God who

made of one blood all nations of men to dwell on all the face of the earth.”

Sir, the whole argument of the gentleman centered in this : Hayti and Liberia are not to be acknowledged—no matter what reasons may be given to the contrary—because, if otherwise, we shall see black ambassadors in Washington.

In my opinion, the speech of the gentleman was unworthy of his head and heart. I hope and believe that the House will pass this bill.

RESOLUTIONS.

In the House of Representatives, Dec. 15, 1862.

MR. FESSENDEN *offered the following Resolutions, which were passed—yeas, 78 ; nays, 51 :*

Resolved, That the Proclamation of the President of the United States, of the date of 22d September, 1862, is warranted by the Constitution.

Resolved, That the policy of Emancipation, as indicated in that proclamation, is well adapted to hasten the restoration of peace, was well chosen as a war measure, and is an exercise of power with proper regard for the rights of the States, and the perpetuity of free government.

Mr. HOLMAN. I move that the Resolutions be laid on the table, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken ; and it was decided in the negative—yeas 53, nays 81 ; as follows :

YEAS—Messrs. William J. Allen, Ancona, Baily, Biddle, William G. Brown, Calvert, Cobb, Cox, Cravens, Crisfield, Crittenden, Delaplaine, Dunlap, English, Fouke, Granger, Grider, Hall, Harding, Harrison, Holman, Kerrigan, Knapp, Law, Leary, Mallory, Maynard, Menzies, Morris, Noble, Norton, Odell, Pendleton, Price, Richardson, Robinson, James S. Rollins, Sheffield, Shiel, Smith, John B. Steele, Stiles, Benjamin F. Thomas,

Francis Thomas, Vallandigham, Wadsworth, Ward, Whaley, Chilton A. White, Wickliffe, Woodruff, Wright, and Yeaman—53.

NAYS—Messrs. Aldrich, Alley, Arnold, Babbitt, Baker, Beaman, Bingham, Samuel S. Blair, Blake, Buffinton, Burnham, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Cutler, Dawes, Delano, Deleplaine, Duell, Dunn, Edgerton, Edwards, Fenton, Samuel C. Fessenden, Thomas A. D. Fessenden, Fisher, Franchot, Frank, Gooch, Goodwin, Gurley, Haight, Hickman, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Killinger, Lansing, Loomis, Lovejoy, Low, McPherson, Moorhead, Anson P. Morrill, Nixon, Noell, Patton, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sargent, Shanks, Shellabarger, Sloan, Spaulding, Stevens, Stratton, Train, Trimble, Trowbridge, Van Horn, Van Valkenburgh, Van Wyck, Verree, Walker, Wall, Wallace, Washburne, Albert S. White, Wilson, Windom, and Worcester—81.

So the House refused to lay the resolutions on the table.

The question then recurred on seconding the demand for the previous question.

The previous question was seconded ; and the main question ordered.

Mr. HOLMAN demanded the yeas and nays on the adoption of the resolutions.

The yeas and nays were ordered.

The question was taken ; and it was decided in the affirmative—yeas 78, nays 51 ; as follows :

YEAS—Messrs. Aldrich, Alley, Arnold, Babbitt, Baker, Beaman, Bingham, Samuel S. Blair, Blake, Buffinton, Burnham, Chamberlain, Clark, Colfax, Frederick A. Conkling, Roscoe Conkling, Cutler, Dawes, Delano, Duell, Edgerton, Edwards, Eliot, Ely, Fenton, Samuel C. Fessenden, Thomas A. D. Fessenden, Fisher, Franchot, Frank, Gooch, Goodwin, Gurley, Haight, Hickman, Hooper, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Killinger, Lansing, Loomis, Lovejoy, Low, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Noell, Patton, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Riddle, Edward H. Rollins, Sargent, Sedgwick, Shellabarger, Sloan, Spaulding, Train, Trowbridge, Van Valkenburgh, Van Wyck, Verree, Walker, Wall, Washburne, Albert S. White, Wilson, Windom, and Worcester—78.

NAYS—Messrs. William J. Allen, Ancona, Bailey, Biddle, Calvert, Cobb, Cox, Cravens, Crisfield, Crittenden, Dunlap, English, Fouke, Granger,

Grider, Hall, Harding, Harrison, Holman, Kerrigan, Knapp, Leary, Mallory, Maynard, Menzies, Morris, Noble, Norton, Odell, Pendleton, Perry, Price, Richardson, Robinson, James S. Rollins, Sheffield, Shiel, Smith, John B. Steele, Stiles, Benjamin F. Thomas, Francis Thomas, Vallandigham, Wadsworth, Ward, Whaley, Chilton A. White, Wickliffe, Woodruff, Wright, and Yeaman—51.

So the resolutions were adopted.

Mr. S. C. FESSENDEN moved to re-consider the vote by which the resolutions were adopted ; and also moved that the motion to re-consider be laid upon the table.

The latter motion was agreed to.

ANNULMENT OF INDIAN TREATIES.

THIRD SESSION OF THE THIRTY-SEVENTH CONGRESS.

In the House of Representatives, Jan. 5, 1863.

The Speaker having stated the first business in order to be on the passage of the House Bill No. 582, to Annul and Abrogate all Treaties between the United States and certain bands of Sioux Indians, on which the yeas and nays had been ordered, MR. FESSENDEN was recognized by the Speaker, and said :

MR. SPEAKER—I am not prepared to vote for the bill now before the House for its consideration ; not because I do not concur with the honorable gentleman from Minnesota [Mr. WINDOM] that there has been one of the most terrible and destructive Indian outbreaks ever known on this continent, for which these guilty tribes should be held strictly accountable and be visited with the penalty of the violated laws ; not because I do not concur with him that every treaty stipulation on their part has been violated ; nor because I am not in favor of

having the Government take immediate steps for indemnifying those who have suffered from these depredations.

But the questions which suggest themselves to me are : is it expedient to take this trust fund and appropriate it at this time in the manner proposed ? and is the object which this bill has in view sufficiently comprehensive to meet the exigencies of the case ? The United States hold in trust for these Indians an aggregate sum of \$3,301,000, on which they receive interest at the rate of five per cent. per annum. It is proposed to appropriate the sum of \$1,500,000 from the Treasury of the United States, out of any money not otherwise appropriated, for the purpose of indemnifying persons who have suffered damages from the depredations committed by these Indians ; the said sum, when so taken, to be charged to and be a *pro tanto* extinguishment of the trust fund of said Indians held by the United States pursuant to the treaties of the United States with said Indians. In considering the expediency of this appropriation, it seems to be eminently wise to search for the proximate, if not the remote, cause of this terrible Indian outbreak. What occasioned it ? The Secretary of the Interior, in his report, referring to the causes of the onslaught, says :

“ Many of the Indians were dissatisfied with the treaties by which they had agreed to part with their lands. They complained that they had been deprived of their hunting grounds and the means of subsistence. They also complain of alleged frauds on the part of Indian agents and traders, some of which may have been well founded, but many were doubtless groundless. These complaints were aggravated and increased by insidious and false representations made by traders whose licenses had been revoked, and who were smarting under the deprivation of the profits they had been accustomed to make from their traffic with the Indians. These causes combined had for some time tended to produce a spirit of discontent and insubordination in the Indians.”

The report further says :

“The causes of the Indian hostilities in Minnesota have been a subject of much discussion. After a careful examination of all the data which the Indian Bureau has been able to obtain, bearing upon the causes which produced the immediate outbreak, I am satisfied that the chief cause is to be found in the insurrection of the Southern States.”

I wish that the honorable Secretary had been somewhat more specific on this point. I wish he had told us why “the Indians were dissatisfied with the treaties by which they had agreed to part with their lands,” and whether they had any ground for the complaint “that they had been deprived of the means of subsistence.” And since he has told us that “they complained of alleged frauds on the part of Indian agents and traders, some of which may have been well founded, but many were doubtless groundless,” I wish that, if possible, he had told us, likewise, what, in his judgment, were some of the many frauds which were groundless, and some, at least, of the frauds which were well founded, and of which they had reason to complain ; and further, whether at the doors of Indian agents and traders alone these frauds were to be laid down as something for which they are responsible, or whether some of them could not be traced to this Government, and for which it ought to be and will be held accountable by a tribunal which holds the scales of justice with an even balance. Let me read an extract from a statement made by the Bishop of Minnesota—BISHOP WHIPPLE—which will go to show in part the proximate cause of that massacre which has carried sorrow and death into the many families that were overtaken by it. And, I take it, there is no question as to the truthfulness of this statement :

“Four years ago the Sioux sold the Government about eight hundred thousand acres of land, being a part of their reservation. The plea for

this sale was the need of more funds to aid them in civilization. This treaty provided that the chiefs should return home and hold an open council to decide what should be done with the money. Three of the principal chiefs—the ones most deserving of credit—allege that they were not present at such council, and did not know that it had been held. Of \$96,000 due to the Lower Sioux they have never received a cent.

“All has been absorbed in claims except \$880,58, which is to their credit on the books in Washington. Of the portion belonging to the Upper Sioux, \$88,351.62 was also taken for claims. Of the large balance due the Upper Sioux, neither the agent nor the Indians knew when or how it was to be paid. For two years the Indians have demanded to know what has become of their money, and again and again they have threatened revenge unless they were satisfied.

“Early this last spring the traders informed the Indians that the next payment would only be half of the usual amount, because the Indian debts had been paid at Washington. They were in some instances refused credit on this account. It caused deep and wide-spread discontent. The agent was alarmed, and as early as May he wrote to me that this new fraud must bring a harvest of sorrow, saying, ‘God only knows what will be the result.’ In June, at the time fixed by past custom, they came together for the payment. The agent could give no satisfactory reason for the delay. There was none. The Indians waited at the agencies two months, dissatisfied, turbulent, mad, hungry, and then came the outbreak—a tale of horrors enough to curdle one’s blood. The money reached Fort Ridgely the day after the outbreak. A part of the annuity had been taken for claims, and at the eleventh hour, as the warrant on the Treasury shows, it was made up from other funds to save an Indian war. It was too late.”

Ninety-six thousand dollars due the Lower Sioux of which they had not received one cent! Eighty-eight thousand three hundred and fifty-one dollars and sixty-two cents taken for claims, of the portion belonging to the Upper Sioux, and the balance remaining unpaid! When the day for the payment of these Indians arrived, the agent had no funds to pay them, and could give no satisfactory reason for the delay. By fraud somewhere, these Indians have had money withheld from them which was justly their due. Was it by the frauds of Indian agents and traders alone, or had Hole-in-the-Day reason for saying to Commissioner Dole, “the Government has swindled my people out of their due for years.”

I do not think the causes of the Indian hostilities in Minnesota need have been a subject of much discussion, as though they were hard to be ascertained. I am of the opinion that a slight examination even of a portion of the data which the Indian Bureau might have obtained within its own archives would satisfy the country that the proximate, if not the chief cause of this outbreak, is to be found, not in the insurrection of the Southern States, but in the fact that the Government withheld from the Indians the money which by treaty it was bound to pay at the time and place of agreement ; while at the same time it permitted this money to be absorbed and consumed by claims of Indian agents and traders, and claims of Government, thus annihilating the funds which they hoped to realize from the sale of a part of their reservation. It was no just cause for these hostilities, we all admit. We maintain, and justly so, that nothing which this Government has done, or has failed to do, can for a moment be urged in justification of such bloody and barbarous steps as were taken by these Indians.

But here is the proximate cause. And now it is proposed to appropriate a portion of their trust fund for the relief of the sufferers. True, by the terms of the treaty we have a right to do this—that is to say, if this Government was not the first to be guilty of an infraction of the treaty. But is this expedient at this time, and under existing circumstances ?

At this time, when these Indians are smarting under that consciousness of injury which maddened them for these murderous deeds, and before any judicial examination has been instituted by which the facts can be ascertained and some approximation made as to the measure of guilt which belongs to each tribe, is it expedient to bring to bear the penalty upon

every tribe alike by transferring the payment of this fund from these Indians—who have, it may be, forfeited all claims to it—to the sufferers from their depredations? I ask this question, not with reference to the welfare of these Indians, but with reference to the welfare of those to whom this bill would afford relief—who have suffered already beyond expression, and who must suffer still more if there is another outbreak of these savages.

The measures proposed by this bill will deprive them of that fund, or a large portion of it, on which they are greatly dependent for their means of support; it will turn them adrift to do for themselves as they best can, with the hand of every white man against them, and their scalping knives against every white man. There is reason to fear that this will be the result. Let it be remembered that “these Indians have it in their power to break up all the white settlements and depopulate an extensive region of country, unless a large military force shall be kept there.” And it is just now problematical whether this Government can send at once a military force sufficiently large and effective to cope successfully with the Sioux Indians, connected as they are with kindred tribes, extending from the Mississippi river, and bordering upon the British possessions to the Rocky Mountains.

The various tribes united can bring into the field ten thousand warriors. They are supplied with arms and ammunition to a considerable extent. They have it in their power to inflict upon the white settlements throughout that whole region great injury. Their proximity to the British possessions would enable them to escape pursuit by crossing the line, where our troops could not follow them. Let it not be said that I am

opposed to granting these sufferers immediate relief. By no manner of means is this the case. But my point is that, under existing circumstances, there is reason to fear that the measure proposed will not give them the relief which they have the right to demand, but, on the other hand, that it will augment their difficulties, and the more expose and subject them to Indian hostilities.

But is the object which this bill has in view sufficiently comprehensive to meet the exigencies of the case? This bill provides for indemnifying the sufferers by reason of these deprivations. It is for their relief. Can there be any such relief afforded as the exigencies of the case demand which does not include their protection, and the protection of all the citizens of Minnesota. from such horrible Indian massacres in time to come? Says the Secretary of the Interior :

“The people of Minnesota ask not only indemnity for the destruction of their property, but they insist upon guarantees of future protection. This, they think, can be obtained only by the removal of the Indians to some point so remote from the settlements as to preclude the possibility of another attack. No promises of forbearance and future good conduct on the part of the Indians can allay their fears. It is apparent, that while they remain in the vicinity of the settlements they have desolated, those settlements cannot be re-peopled. The treachery and cruelty of the recent attack upon a confiding and unsuspecting people, involving helpless women and children in indiscriminate slaughter, forbid the indulgence of confidence in the future.”

“Guarantees of future protection.” They have a right to ask this. To ask it, did I say? To demand it of this Government in any bill which Congress shall pass. A bill, the object of which is less comprehensive, cannot meet the urgent necessities of their case. But this bill gives no “guarantees of future protection.”

Further. The object which this bill should have in view, in

order to meet the exigencies of the case, as it seems to me, is not only the relief and protection of the people of Minnesota, but the relief and protection of the Indians upon their borders ; and for this reason, if there were no other : it would go very far toward effecting for the people of Minnesota that which it is so desirable to see accomplished—the relief of these Indians by providing for an equitable adjustment of their existing grievances ; their protection, as far as possible, from the dishonesties of unscrupulous men.

The Right Reverend Bishop Whipple, whose residence is near the scene of disaster, has told us, that “ the outrage was owing to a system which leaves the Indian without protection of law and subject to the dishonesties of unscrupulous men ;” and that “ the only being in America who has no law to punish the guilty or protect the innocent is the treaty Indian.”

From the memorial to the President of the United States, adopted at a meeting recently held in Cooper Institute, in the city of New York, I read as follows :

“ Your memorialists respectfully represent that credible testimony sanctions the belief that, with fair treatment on the part of the agents, there would be no difficulty with the Indians, and that the late tragedy in Minnesota was owing to the intense exasperation to which they were driven by the frauds and robberies of unscrupulous men, against whom they had no protection.”

Mr. Speaker, there is no disguising the fact that citizens, editors, legislators, heads of Departments, and the President himself, alike agree that the Indian Department has, to a lamentable and shocking extent, been characterized by inefficiency and fraud. Government employes, with a few noble exceptions, have been notorious for profanity, debauchery, and dishonesty ; school and civilization funds have been wasted ;

contracts for supplies conceived in fraud ; and even dead men's names placed on the pay-rolls. The office of Indian Agent has been made an office of reward for political service only. A shame it is, and shame upon the Congress that will longer tolerate the wrong without an effort to apply the remedy. This office of Indian agent has been sought and given to men, not because it was one of the noblest trusts ever committed to any man, to try and redeem the Indians by leading them to the light of Christian civilization, but because upon a pittance of a salary a fortune could be realized in four years.

The Indians have given to our Government by treaty the largest and best portion of their lands, on condition of their receiving its protection, with the means of self-sustainment by the arts of civilization ; but this protection—these means—the Government has failed to give them. Indubitable facts bear me out in this declaration.

I make the assertion, therefore—it is made and stands as the ground of truth, justice, and equity—that these Indians have a right to *relief and protection*. The honorable Secretary of the Interior, in his report, has forcibly said :

“The *duty* of the Government to *protect* the Indians, and prevent their suffering for the want of the necessaries of life, should be fully recognized. They should be taught to earn their subsistence by labor, and be instructed in the cultivation of the soil. The Government should designate the place where they shall reside, and afford them protection in the lands which are assigned to them for a home, and furnished them with such aid as, with the fruits of their own labor, will afford them an adequate support. They should be taught to rely on the cultivation of the soil for subsistence, and that they can become independent only through their own industry.”

He should have added, when the Government shall have performed this duty, it will have fulfilled a promise long since made to the Indians, and to this hour disregarded, “that their

homes should be secured to them by a patent ;” no patent has ever, as yet, been issued. I believe that, should the Indians receive this relief and protection to which they are entitled, and, at the same time, the Government make ample provision to meet the necessities of those persons who have suffered from Indian hostilities—not, however, by taking a portion of the trust-fund for this purpose, for there can be devised a better way—it would be found the best method of giving to the people of Minnesota that relief and security which the exigencies of the case demand.

But this is no part of the object of this bill. It is not, therefore, in my judgment, sufficiently comprehensive. I cannot concur with gentlemen who are of the opinion that guarantees of future protection can be obtained only by the removal of the Indians to some point so remote from the settlements as to preclude the possibility of another attack.

Let their removal be ever so remote from the borders of the States where they are now to be found, civilization and Christianity alone are the mighty enginery of God, by which their fierce spirits can be controlled, and their hearts molded to “the humanities of life.”

I have thus briefly adverted to the principal reasons by which I am constrained to vote against this bill. After all, I must grant there is but little ground of hope for the future of the aborigines of what we claim as our domain. They are destined to extermination. As “onward the course of empire takes its way,” onward they will be driven, despoiled of all their lands, until at last they can be driven nowhere beyond, for a beyond for them on this continent will nowhere exist. Then will come their last contest and their last defeat ; and

they will fall into the arms of our common mother earth, from which no lusting of this nation for acres and empire can ever wrest them. Thus our national domain will be extended. But there is a hereafter, from whose reckoning no nation can escape ; and *puras Deus, non plenas, ad spicit manus.*

BANKRUPT LAW.

THIRTY-SEVENTH CONGRESS.

In the House of Representatives, Feb. 4, 1863.

On the Bill to establish a Uniform System of Bankruptcy throughout the United States, Mr. FESSENDEN said :

MR. SPEAKER—The honorable gentleman from Massachusetts [Mr. THOMAS,] in his remarks upon this bill a few days since, said that he thought this measure of a bankrupt law one of the most important subjects on which we are to act during the present session. Be this as it may, one thing is certain ; the petitioners to this Congress were so numerous and so respectable, and the subject was deemed of so grave importance, that it was thought best by this body to refer it to a special committee, and the result has been, thus far, the bill now before the House.

This subject has, likewise, engaged the attention of the Senate, and there is now pending in that body a bill for the

establishment of a uniform system of bankruptcy throughout the United States.

In the brief remarks which I have to make, I do not propose to discuss the merits of the bill now upon your table. I feel my inability to do so. I have no experience in mercantile business, and if, as some assert, a bankrupt law is one to be treated of by practical men only, I ought not to venture on the subject. Still, it has its principles, and the principles of the subject belong to all men. Truths are important as a basis, and without them, either as a point to start from or towards which to go, experience is of little account. In the course of the remarks of the gentleman from New York, [Mr. Roscoe CONKLING,] as well as of the remarks of my friend from Massachusetts, [Mr. THOMAS,] allusion was made to the bankrupt law of 1841. There are several points to which I wish to advert in speaking of this law. It was repealed during the Congress by which it was enacted, and it has been alleged that the fact of its repeal and that there has been no uniform bankrupt law upon our statute-books since the time of its repeal, goes to show that the operation of the law was far from being salutary; that the people called for its repeal, and that no interests of debtor or creditor in this country require a bankrupt law.

Now, how is this? How are we to ascertain the facts in this regard? For, I admit, if what is here alleged is true, then we have had an experience which ought to have no little weight with us in the conclusion to which we may come. Fortunately we may acquaint ourselves with the facts.

You have before you the testimony of the judges and clerks and attorneys of the district courts of 1841, 1842, and 1843,

upon this very subject. Then there were twenty-six States, and Mr. Webster, then Secretary of State, sent his circulars for information into all these States and laid before the Senate the result of his investigation, in the communications which he received from these gentlemen ; gentlemen whose official position was such as to give them the best possible opportunity for furnishing the information required.

Let me read the letter of the Hon. ASHUR WARE, then, as now, judge of the district court of Maine ; for it is the basis of what I have to say in regard to the operations of the law, and its effect upon the country. (Senate Documents, Third Session, Twenty-Seventh Congress, 1842-43, vol. 2, doc. 19.)

PORTLAND, *December 22, 1842.*

SIR: I have received your letter of the 16th instant, covering a resolution of the Senate, and asking for certain information with respect to the bankrupt law, and I avail myself of the first moment of leisure to give you an answer.

In regard to the first point of your inquiries, that is, as to any alterations or amendments of the law, I can say nothing further than that it has been in operation for so short a time, that the adequacy of the general provisions of the law to effectuate its general objects has not yet, perhaps, been sufficiently tried to enable one to form a decided opinion. Hitherto I have not perceived but that the provisions of the law are sufficient for the purpose ; but further experience may point out defects that have not yet been made apparent.

In regard to the other point of your inquiries, what have been the effects and operation of the law, I can speak more explicitly. The law embraces two distinct systems of bankruptcy, voluntary and involuntary. So far as the act is compulsory, and enables creditors to coerce a debtor into bankruptcy, it has introduced an important change into the relation of debtor and creditor in this State, that is altogether in favor of the creditor, and my belief is that in the present state of the law of debtor and creditor in this State, it will be found in its operation decidedly salutary. And such, I think, is the prevailing opinion among the creditor class of the community.

With regard to the system of voluntary bankruptcy, I do not feel prepared to give so explicit an answer, but I am strongly inclined to the opinion that thus far the effects of the law have, on the whole, been favorable, but that its benefits have not been clear and unmixed with evil. The first operation of the law in this State may be very plainly inferred from a view

of the schedules of debts and assets annexed to the petitions. It has been to redeem a great number of persons from hopeless insolvency. The amount of indebtedment is so large and so disproportionate to the assets, that it is obvious, indeed too clear to admit of any doubt, that in by far the greater number of cases the debts never could be paid. If the debts had been left as legal and subsisting obligations, they must have remained in the hands of the creditors entirely worthless. By canceling them, the debtor is relieved from embarrassments from which no diligence or prudence on his part could ever extricate him. And as the effort, if made by the debtor, would be made without hope, the presumption is that it would not be made at all. The result, therefore, is that the debtor is relieved, with the opportunity of becoming a useful member of the community, without any real injury to the creditor. If no bankrupt law had been passed, the statute of limitations would gradually have performed the same operation as the law has accomplished at once. But this operation would have been slow, and, as many debts have been converted into judgments, the period of the debtor's emancipation would have been postponed to so late a day, and in so many cases to such an advanced period of his life, that it would have been of little value when it arrived.

These observations will apply to a large portion, probably a large majority, of the voluntary petitioners in this State.

The voluntary bankrupts in this State may be divided into two classes. The first comprehends persons who have been engaged in large and unfortunate speculations, and are involved to a large amount—quite too large to admit even a distant hope of their ever being paid if no bankrupt law had existed. Generally speaking, they could have had as little hope of ever settling with their creditors by compromise; for having lost, by misfortune or imprudence, the whole or nearly the whole of their property, they have nothing left to offer their creditors by way of compromise.

The second and by far the most numerous class consists of persons whose indebtedment is comparatively small. A large part of them are farmers and mechanics. From misfortune or otherwise they have become involved in debts which, compared with the debts of merchants or others who have done a large business, look, it is true, very small, and quite insignificant; but to persons of their occupations and habits of life are formidable, and such as they could have but little, if any, hope of ever being able to pay; and though their debts are not large, they are usually due to creditors of that class that it is quite as difficult for them to effect a compromise as it is for merchants or speculators, whose debts are larger, and I am inclined to think usually more so. The only chance they could ever have of being placed in a situation in which they could enjoy the fruits of their labor beyond what was consumed by their daily subsistence, that is, in a condition in which they could labor with cheerfulness, was by a discharge under a bankrupt law. The number of persons of this class who have applied for the benefit of the law is much larger than I had anticipated. Many have applied, I have no doubt, who would have acted more

wisely, as well as more honestly and honorably, not to have done it. But still the relief which the law has given is very extensive, and, though not unmingled with evil, the good, upon the whole, greatly preponderates.

This opinion, which is the result of my own observation, as far as it has extended, is confirmed by the remarks which I have heard from others who have had better opportunities of witnessing the effects of the law, particularly in relation to this class of petitioners. These observations apply, of course, to the first effects of the law. What may be its ultimate operation on the morals and business habits of the community, and especially on what is called the credit system, can, I suppose, only be ascertained by further experience. On the whole, looking at the system of voluntary bankruptcy as somewhat in the nature of an experiment, the effects of which can be determined only by longer experience, I should say, that if any substantial alteration is made at present, it should be by a simple repeal of the law so far as it enables a person to be declared a bankrupt, and obtain a discharge by proceedings instituted by himself, leaving it in force without alteration so far as it establishes a system of compulsory bankruptcy.

I have the honor to be, with sentiments of great respect, your most obedient servant,

ASHUR WARE.

HON. DANIEL WEBSTER, *Secretary of State.*

Judge Ware is supported in his views by the District Attorney of Maine, a brief extract from whose letter I will read. (Senate Documents, Third Session, Twenty-Seventh Congress, vol. 3, doc. 12.)

“The operation of this act in this district has, I think, been salutary. Debtors, deeply insolvent, have resorted to it for relief; and, so far as my observations have extended, and I have been a very close observer, there have been few cases of fraud.

“In the district court here, the examination of bankrupts has been very strict, and the ordeal a severe one; and I know of no cases where I even *suspect* that fraud has escaped detection. Its retrospective effect is nearly over, and, in prospect, creditors were beginning to look to it as a regulator to check and control credit.”

Let me analyze this testimony.

In regard to the general provisions of the law, to effectuate its general objects, the judge did not perceive but that the provisions of the law were sufficient for the purpose. In regard to the effects of the operation of the law, both as to its

voluntary and involuntary system, his opinion is that it has been favorable, but that its benefits have not been clear and unmixed with evils ; that the debtor has been relieved from embarrassments from which no diligence or prudence on his part could ever extricate him—with the opportunity of becoming a useful member of the community, without any real injury to the creditor ; that the relief which the law has given is very extensive, and, though not unmixed with evil, the good, upon the whole, greatly preponderates. The district attorney of Maine supports the judge in his opinion that the operation of the law was salutary ; and he says, moreover, that under it—and he was a very close observer—there were very few cases of fraud, and that he knew of no cases where he even suspected that fraud had escaped detection.

Now, I undertake to say on the floor of this House, and any gentleman who will give himself the time to investigate will find the statement correct, that, if you will classify the communications received from the judges and attorneys and clerks in reply to the call for information from the Secretary of State, you will find that nine-tenths of this very respectable body of men concur with the views of the gentlemen whose letters I have read, in regard to the operation and effects of the bankrupt law in the States respectively represented by these gentlemen. A salutary law—salutary in its operation and effects. Good for the debtor and good for the creditor. A preventive of rather than an inducement to fraud ; and, therefore, promotive of the commercial interests of the whole country.

If it be true, as the gentleman from Massachusetts said, that the bankrupt law of 1841, as to its effect, “ was simply to wipe out and expunge millions of debt,” and “ in the adminis-

tration of it the creditors got nothing," it was not because the rights of creditors were not properly guarded, nor by reason of frauds on the part of debtors ; but for the reason stated by Associate Justice STORY, (Senate Documents, Third Session, Twenty-Seventh Congress, vol. 3, doc. 21, p. 8,) in his letter to the Secretary of State on the bankrupt law. He writes :

"It is true that the dividends for the creditors have hitherto been small ; but this has arisen, not from fraud or concealment of property, but from the fact that whole classes were insolvent, in ruin, before the system existed ; and, therefore, its principal operation has hitherto been to relieve debtors, and not to give much relief to creditors. At the same time, I am well satisfied that it has not done to these creditors generally any harm or mischief. They have received their share of all the debtor had, be it more or less."

Nor was the judge alone of this opinion. His views, as here expressed, are supported by corroborative testimony on nearly every page of this Senate document. If the law was "a sponge to wipe out debts," it was merely the sponging out in form what was, on all hands, held to be lost in fact. Thirty-three thousand seven hundred and thirty-nine debtors availed themselves of the benefits of this law ! And how many thousand creditors were benefited by it, I will leave you to determine.

Nor did the country ask for the repeal of the bankrupt law of 1841. Senator BERRIEN, in his report to the Senate, February 3, 1843, uses this language :

"No general, authentic expression of public opinion, unfavorable to the act in all its provisions, and calling for its entire repeal, is known to the committee, or is believed to exist. If the public press be resorted to as the index of that opinion, it will be found, where it is adverse to the existing law, to indicate its modification, not its repeal. If recourse is had to the petitions presented at the late session of Congress, affording the most recent, general expression of public opinion, in this form, it will appear by reference to a document prepared in the office of the Secretary of the

Senate, and annexed to this report, that the number of persons who petitioned the Senate at its late session on the subject of bankruptcy was 50,298; that of that number 42,169 prayed the Senate not to repeal the law; that 1,206 of the petitioners asked for its modification; that 4,343 desired its modification or repeal; and that 447 asked a postponement of its operation. So that, out of 50,298 petitioners, there remained only 2,133 who desired an absolute and entire repeal of the law. The time has been too short to permit any general expression of public opinion in the form of petition during the present session of the Twenty-Seventh Congress; but so far as such an expression has been received, it is favorable to the continuance of the act, at least in some modified form, as will also appear by the statement before referred to."

Am I not justified in saying, in view of these facts, that the country did not call for the repeal of this law?

I have thus endeavored to show to some extent, and to an extent sufficient for the specific object which I have in view, the nature, operation, and effects of the bankrupt law of 1841.

My honorable friend from Massachusetts, [Mr. THOMAS,] said that the law of 1841 was "a very imperfect law, and, as compared with the bill before the House, the mere skeleton of a bill." He had "great pleasure in saying that the learned chairman of the committee which reports this measure has drawn up a very good and sensible bill, the fruit of much labor and skill." Very well, if such was the nature, operation, and effects of that "very imperfect law," relieving so many debtors and creditors, and causing so little dissatisfaction in any portion of the country, that of 50,298 petitioners on the subject of bankruptcy, in 1843, 2,133 only desired an absolute and entire repeal of the law, what must be the nature, operation, and effects, should the bill become a law, of the uniform bankrupt system, as developed by the chairman of the committee which has reported this measure?

“ A good and sensible bill ;” and if in any respect it is not a good and sensible bill, let it be amended until, as far as possible, it shall be perfected ; and is it not reasonable to suppose that its operation and effects will be far more beneficial and extensive than the operation and effects of the law of 1841 ? Will there not be less dissatisfaction, if any, with the law of 1863, than there was with the law which was repealed on the petition of 2,133 persons, in opposition to 42,169 persons who prayed the Senate not to repeal the law ? True, there has been no uniform bankrupt law upon our statute-book since the repeal of this law ; not, however, because it has not been asked for time and again, and its importance urged upon the consideration of Congress. But for the reason that debtors and creditors have been unable hitherto to get “ a hearing ” here, while interests of less importance by far in their relation to the commercial welfare of the nation, have been pressed in before it ; and they have waited, relying upon the justness of their cause, which has gained strength even by delay, until now it would seem as if the necessity for a uniform bankrupt law must be patent to every man. As a matter of fact, may not the reasons, substantially, which were urged as evincing the necessity of the law of 1841, be urged with fourfold strength in demonstration of the necessity of the proposed law of 1863 ?

The number of debtors and creditors to be benefitted by this law has vastly more than quadrupled. If there was a peculiar condition of the commercial sphere then, in consequence of which it was supposed that it stood in special want of that electric influence which a uniform bankrupt law alone could give it, is there not emphatically a peculiar condition of the

commercial sphere now, waiting for the electric spark by which alone the brains, and hearts, and hands, of many thousands can have knocked off from them the shackles of debt, "damning debt," that makes a man a slave to consuming cares, without the shadow of a hope? Compute the amount of indebtedness to be as small as you may, still it is the incubus pressing with mountain weight upon men, the most of whom are honest but unfortunate, defying their resources, paralyzing their energies, and abstracting from their sum of human happiness an amount so large that the remainder is not worth the mention, when compared with the happiness of that man who is not crushed to the earth, himself and wife and children, by unrelenting, life-long debt.

If in 1841 we were necessarily thrown back upon the imperfect and discordant systems of twenty-six States, had Congress abstained from the exercise of the authority with which the Constitution has invested them in the matter of a uniform bankrupt law, are we not now thrown back upon the discordant and imperfect systems of thirty-four States, if Congress turns a deaf ear to these creditors' and debtors' most earnest appeal? It is the appeal of two hundred thousand petitioners, who are the representatives of many more than two hundred thousand debtors and creditors, and not one hundred men are found—not one hundred men did I say?—not one man is found in all this country protesting against a uniform bankrupt law. Where are the protestors to-day, if they anywhere exist? Why are they not here by their petitions, forwarded to your table through their representatives, that we should refrain from the exercise of our power in this direction?

This is not a movement for a bankrupt law which has been

“hid under a bushel.” It has been as open as though it were proclaimed upon the housetops. Every press in the land has published it, and scarcely one without giving it approval. Has the public press been bribed, or does it speak “the will of the people?”

It is not that Maine—it is not that New England—is in greater need of a uniform bankrupt law than any other section of the country, that I desire the passage of this bill. Look at the statistics, as you will find them in the document to which I have more than once referred, and you will observe that of the whole number of persons in the United States who availed themselves of the law of 1841, there were as few in New England, fewer in fact—other things being equal—than in any other section of the country. New England can take care of herself, with or without a bankrupt law. She will suffer as little as any part of the country from the non-existence of this law. But what then? Is she opposed to its passage as a national measure? Not at all. She is opposed to nothing that is for the good of the country, however small may be the share of benefit that inures to her. The votes of her Representatives in this body during this Congress, and during every preceding Congress, will show this.

Mr. Speaker, one object of a uniform bankrupt law is very easily understood. It is to provide for the certain, equitable, and economical distribution of the assets of an insolvent among his creditors, without any fraudulent reservations or discriminations. It is to guard the rights of creditors as carefully as it guards the rights of debtors, and be of lasting benefit to both. It is to make its truly beneficent operation co-extensive with its necessity; to harm no interest; to benefit every interest in

the land. This is its object—nothing less, nothing more. Can any gentleman show that this is not the object of this bill? And if he can, then, even, let him not hastily reject it. Let him mold it to the object. Let him remold every section of it, if need be, until he shall be able to say, it is the best bill that can be had under the circumstances, and he will do his countrymen a service which will not be forgotten.

I repeat it, it was not my intention to discuss the merits of this particular bill. It has been framed by no novice in jurisprudence, but by a gentleman who, as an old writer would have said, "hath. cute understanding of that severe but sublime science, law." I trust his painstaking has not been in vain, but that now what has been repeatedly asked for will be given to the people. Whether this Congress shall pass this bill or not, there will soon be a session of Congress that will give the nation a uniform bankrupt law. There will be a Congress to which these petitioners will not appeal in vain, but which will give the people the benefit of a system which has found its place in the codes of nearly if not all commercial nations, and is approved by their experience. And the Congress that will do this, thus equalizing and protecting the rights of citizens of the different States and Territories, when the "act" in its nature, and operation, and effects, is compared with the bankrupt laws of the several States, will deserve and receive a like encomium to that recorded by the historian when he wrote of an emperor, that "he found a city built of bricks, and left it constructed of marble."

FORTIFICATION BILL.



In the House of Representatives, Feb. 12, 1863.



The Committee proceeding to the consideration of House Bill No. 707, making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense, for the year ending June 30, 1864, the debate being upon clause reading—

“For Fort Scammel, Portland Harbor, Maine, \$150,000”—

Mr. FESSENDEN said—I move to amend this paragraph by striking out the appropriation of “\$150,000,” and inserting in place thereof “\$200,000.”

Now, Mr. Chairman, a few days since we had before us a bill for the enlargement of the Michigan and Illinois canal, for the improvement of the Illinois river, and for the enlargement of the locks of the Erie and Oswego canals. The ground upon which this measure was urged was that it was a military necessity; that it was for our military defense. Now, sir, I wish to suggest to the House some reasons for enlarging this appropriation for the defense of the sea-board of Maine.

The first reason I present is the geographical position of Maine in its relation to the provinces of Great Britain, and in its relation to the Union. If you will look upon the map you will find that the State of Maine stands as a wedge driven up to the but between the provinces of New Brunswick and Canada. You will find that so far as Maine is concerned, she is, as it were, in the middle of a Foreign Power. In case there should be a war with Great Britain or with France, the first attack would be upon the State of Maine.

The British North American colonies extend across the continent from ocean to ocean, with an extent of territory larger than that possessed by the United States. Now look, I say, at the geographical position of the State of Maine. It is such as will show conclusively, to any one who will glance at it, that she needs imperatively that her fortifications shall be placed in the most effective position, looking only to her location in relation to Great Britain alone.

But what is her position in respect to the Union? She stands as a frontier State; she stands as one of the out-posts of the Union. We very well know that in the war of 1812 she was without military defense; her harbors were unprotected; and what was the result? From Castine to St. Croix Great Britain had possession of her harbors. And we have practically no more defenses in point of fact to-day than we had then. Great Britain has already authorized measures, understood as war measures, in her great lines of railroad to provide for the contingency of a future war.

As to our defenses to-day, we have some four or five forts, but none of them are completed. There is a fort at Eastport. There is one at the mouth of the Penobscot—Fort Knox.

There are forts in the harbor of Portland. Surely with these forts uncompleted the harbor of Portland cannot be defended. We come here, therefore, and ask that there shall be an enlargement of the appropriations for the defense of the State of Maine. We ask to have that enlargement upon the ground that she has done everything in her power to show that she is a loyal State. She has furnished, to put down this rebellion, more than her quota of men for the army ; she has given more than thirty thousand men for the defense of the country. She has furnished more men, in proportion to her population, to the regular and volunteer navy of the United States than any other State. We feel, when provision is being made for the construction of forts of defense in other parts of the country, that a large appropriation should be made to defend the harbors of Maine. That State has an extent of three hundred miles upon the ocean to be defended, and a coast-line of some three thousand miles. On that sea-board of three hundred miles we have more than one hundred towns at which ships can be built and manned. General Totten, in the report that he makes in regard to the defenses of Maine, says that every town of considerable importance should be protected. And Secretary Seward, in a lengthy communication which he made on this subject, calling the attention of the executive of Maine to the importance of defending that State, said that it was of the highest importance that measures should be taken, and directly taken, for the purpose of defending all of her harbors.

In 1851 and 1852, Mr. Conrad, Secretary of the Navy, recommended that some ten places should be defended on the coast of Maine. As I have stated, we have four or five forts on that coast, but they are incomplete, even at this day.

Now, if there be any ground for the danger, as portrayed the other day by the gentleman from New York, [Mr. OLIN,] of a collision of this nation with foreign Powers, we ought at once to look to the defense of our sea-ports.

Why, Mr. Chairman, they talk upon the floor of this House about the amount of money which has been expended for the defense of Maine. There has not been expended upon the defenses of Maine an amount of money as yet adequate to complete her fortifications. And this is the point at which I am aiming. A single custom-house in the city of Charleston has had expended upon it, within the last ten years, half the amount of money that has been expended on the fortifications of Maine since 1820, when she was admitted into the Union, large as is the whole sum.

Mr. MAYNARD asked a question, which was not heard by the reporters.

Mr. S. C. FESSENDEN. Precisely so ; Maine can be invaded upon her north-eastern boundaries, and we think we ought to have defenses there. I stated at the outset that one reason why Maine should have defenses upon her sea-board, and one reason why the harbor of Portland should be defended, was, that if she was not defended, and for that reason Portland should fall into the hands of a foreign Power, that Power could drive American commerce from the Atlantic ocean and the great lakes. If that Power were in possession of Portland, all of the peninsula east of Lake Champlain would be subjected to its control.

I know very well that efforts are being made—and gentlemen here have alluded to the fact—to slough off Maine, in case there should be a restoration of this Union. I have no

doubt that if the gentleman from Ohio, [Mr. Cox,] and some other gentlemen I have heard speak upon this floor, could succeed in their efforts, New England would be left out in the cold.

Mr. WADSWORTH. Does the gentleman refer to me?

Mr. S. C. FESSENDEN. I do not. I have a word to say upon that point. They ought to have the generosity, if they propose to leave us out, to leave us in a condition to take care of ourselves.

The CHAIRMAN. The gentleman will confine his remarks to the subject before the House.

Mr. S. C. FESSENDEN. I intend to do so. I say, one reason why we should have these fortifications on the coast of Maine, is the effort which is made by some gentlemen, and in which they hope to succeed some day, to re-construct the Union with New England left out.

Mr. WADSWORTH. One word upon that point, if you please.

Mr. S. C. FESSENDEN. Certainly.

Mr. WADSWORTH. I wish to know whether, if all these fortifications are for defense against Great Britain, and Maine is left out, and she goes over to Great Britain, will they not be useless?

Mr. S. C. FESSENDEN. Let not the gentleman give himself any uneasiness on that score. I can assure him, as I have heretofore done, that Maine is to remain in the Union; and her fortifications, therefore, can at no time be useless for the nation's defense. And my honorable friend, as I know he has said, is not for having Maine, or any other State, left out. The fortifications of which I have spoken are for defense against any foreign Power whatever—against France, as well as any other.

Mr. Chairman, I urge this appropriation upon the consideration of the House, and I want to hear what gentlemen from the West and South have to say in relation to it. I say again, these fortifications ought to be completed, and I say that the day may come when, if they are left uncompleted, gentlemen will have occasion to regret it. I say the day may come when they will see that it would have been well for the country had they put upon the coast of Maine all the defenses which are asked for.

Sir, I coincided with my colleague [Mr. PIKE] when he told the gentleman from Ohio [Mr. COX] that we are not willing to be sloughed off, but if we are, we would have the Northwest and the South, and all parts of this country understand that New England can take care of herself in the Union or out of it. Thank God, we have no favors to ask of our friends or of our enemies in that respect.

I promised to yield a few minutes of my time to the gentleman from Illinois, [Mr. ARNOLD,] and I now yield to him.

CONSCRIPTION BILL.

THIRTY-SEVENTH CONGRESS—THIRD SESSION.

In the House of Representatives, Feb. 24, 1863.

The Conscription Bill being under consideration, the House having resolved itself into a Committee of the Whole on the State of the Union, Mr. FESSENDEN spoke as follows :

MR. SPEAKER—I thank the gentleman from New York, [Mr. STEELE,] for yielding the floor to me, for I have something to say, and should like to say it, upon this bill. It has been said upon the floor of this House that no more important measure has been brought before Congress at its present session, than that involved in this bill.

Mr. Speaker, the East has not been heard from with respect to this measure ; and as we have heard from New York, and from other States of this Union, something should be said with regard to the manner in which this bill will be received, should it be enacted by Congress, in New England.

Before proceeding with my remarks, however, I wish to make a single statement in regard to what was said by the honorable member from Indiana, [Mr. HOLMAN,] with respect to the clergy of this country. I did not distinctly understand what the gentleman said, and I would ask him to repeat the remark which he made in reply to the gentleman from Pennsylvania.

Mr. HOLMAN. Mr. Speaker, I attached no importance to the remark at the time, and am unable to recall it. I will not, therefore, take up the gentleman's time by referring to it.

Mr. S. C. FESSENDEN. I inferred from the gentleman's remarks that he intimated that the clergymen of the country were not loyal and patriotic men.

Mr. HOLMAN. I think not. On the contrary, I intimated that they were an exceedingly warlike class of men. I simply asked the question in general terms. I will not attempt to recall my language. There was another gentleman speaking of the religious character of the country, and of the warlike temper of the times, and I merely asked him whether he knew any class of men in this country who had exhibited more martial spirit than the clergy in general. I believe that was the substance of my inquiry, although something else may have been said which now escapes my recollection. But I desire to say to my friend from Maine that the remark was not made in any spirit of disrespect to the high character of the clergy of the United States.

Mr. S. C. FESSENDEN. I am happy to hear the explanation of the honorable gentleman ; and I wish to say that there is not a more patriotic or more loyal class of men in the country, than the clergy of the United States. We are greatly in-

debted to them for the course they have pursued in regard to this war. They have stood up in their pulpits, and have encouraged men to enlist ; and under that influence, hundreds and thousands have gone into the army, who might never have been there, but for the patriotic sermons preached from the pulpits of New England and the free States.

Mr. MALLORY. Will the gentleman yield to me for a question ?

Mr. S. C. FESSENDEN. I cannot yield just now. Sir, it has been so with respect to every war that has ever taken place between this country and any other nation. I will read an extract from a sermon preached by Rev. Dr. Gardiner Spring, of New York, on the subject of the clergy of the Revolution. Said Dr. Gardiner Spring, in a sermon which he preached on the influence that the clergy had steadily exerted on the revolutionary war :

“ That great event in the history of the world—the American Revolution—never would have been achieved without the influence of the pulpit. Political society ‘moved on the axis of religion.’ The religious movement gave its character to the social movement. Men who knew there was ‘a Church without a bishop,’ knew also there could be ‘a state without a king.’ Had the pulpit of New England and the Presbyterian Church occupied the same position on this question which was occupied by so many of the pulpits which I could name, we should have been Colonies still.”

Such was the power of the pulpit in the days of the American Revolution.

Mr. THOMAS, of Massachusetts. Will the gentleman from Maine allow me to ask him the date of that sermon ?

Mr. S. C. FESSENDEN. It was preached in 1835, I believe. What is true in reference to the clergymen of that day, is true with reference to the clergy of this day. Throughout New England, and I presume throughout every part of the country

—I speak of course of the loyal States—the clergymen are patriots. They are loyal men. And when the gentleman from Pennsylvania, [Mr. WRIGHT,] said he would offer an amendment to this bill, that clergymen should not be enrolled, I was on the point of saying that if it were for the reason that by their remaining at home among their people, they could be more useful to the service, and do our country and the cause the most good, it was well ; but that otherwise it was not well. Sir, they are as ready to enlist to-day as any class of men to be found in the United States. But I tell gentlemen that it is for the benefit of the country that the clergy should be left at home, to preach to their congregations the Gospel, and such patriotic sermons as they have been preaching. They can do far more good in that way than they can do by enlisting as soldiers in the Army of the United States. It would be a sad day for our country if it should take our clergymen from their pulpits into the field. I repeat it—where they can do the most good in this hour of our trial, is with their flocks. Now I pass for a moment to the consideration of this bill. It is a bill for the enrolling and calling out the national forces, and for other purposes.

Mr. MALLORY. Will the gentleman permit me to ask him a question ?

Mr. MORRILL, of Maine. I object.

Mr. S. C. FESSENDEN. Now, I have a word to say in reference to this bill. It is for enrolling and calling out the national forces. What is the object of it ? Its object is distinctly declared in the title of the bill. And what does it propose to do ? It proposes to give to the President of the United States power to call out, enroll, enlist, and bring into the national

force, such men as are classified in the bill. Does any gentleman object to the object of the bill? I do not understand that such is the case. And for what purpose are these forces to be enrolled? The great purpose for which they are to be enrolled, is the prosecution of this war with the utmost vigor, until the rebellion is put down. For what purpose is this war waged on the part of the rebels? I have heard it said on the floor of this House, over and over again, that the war was not waged on the part of the South for the purpose of perpetuating slavery, nor for the purpose of restoring the African slave trade. Now on that point, I beg leave to read here an extract from a letter addressed by Hon. Mr. Spratt, of Charleston, South Carolina, to Hon. John Perkins, delegate from Louisiana to the Montgomery convention :

“The South is now in the formation of a *slave* republic. This, perhaps, is not admitted generally. There are many contented to believe that the South, as a geographical section, is in mere assertion of its independence ; that it is instinct with no especial truth, pregnant of no distinct social nature ; that for some unaccountable reason, the two sections have become opposed to each other ; that for reasons equally insufficient, there is disagreement between the peoples that direct them : and that from no overruling necessity, no impossibility of co-existence, but as mere matter of policy, it has been considered best for the South to strike out for herself, and establish an independence of her own. This, I fear, is an inadequate conception of the controversy.

“*The contest is not between the North and South as geographical sections, for between such sections merely there can be no contest ; nor between the people of the North and the people of the South, for our relations have been pleasant, and on neutral grounds there is still nothing to estrange us. We eat together, trade together, and practice yet in intercourse, with great respect, the courtesies of common life. But the real contest is between the two forms of society which have become established, the one at the North and the other at the South. Society is essentially different from government—as different as is the nut from the bur, or the nervous body of the shell-fish from the bony structure which surrounds it ; and within this Government two societies had become developed as variant in structure and distinct in form as any two beings in animated nature. The one is a society composed of one race, the other of two races. The one is bound together*

but by the two great social relations of husband and wife, and parent and child ; the other by the three relations of husband and wife, and parent and child, and master and slave. The one embodies in its political structure the principle that equality is the right of man ; the other that it is the right of equals only. The one, embodying the principle that equality is the right of man, expands upon the horizontal plane of pure democracy ; the other, embodying the principle that it is not the right of man, but of equals only, has taken to itself the rounded form of a social aristocracy. In the one there is hireling labor, in the other slave labor ; in the one, therefore, in theory at least, labor is voluntary ; in the other, involuntary ; in the labor of the one there is the elective franchise, in the other there is not ; and as labor is always in excess of direction, in the one the power of Government is only with the lower classes ; in the other the upper. In the one, therefore, the reins of Government come from the heels, in the other from the head of the society ; in the one it is guided by the worst, in the other by the best intelligence ; in the one it is from those who have the least, in the other from those who have the greatest stake in the continuance of existing order. In the one the pauper laborer has the power to rise and appropriate by law the goods protected by the State—when pressure comes, as come it must, there will the motive to exert it—and thus the ship of State turns bottom upwards. In the other there is no pauper labor with power of rising ; the ship of State has the ballast of a disfranchised class ; there is no possibility of political upheaval, therefore, and it is reasonably certain that, so steadied, it will sail erect and onward to an indefinitely distant period.

“ Such are some of the more obvious differences in form and constitution between these two societies which had come into contact within the limits of the recent Union.”

* * * * *

“ Such, then, was the nature of this contest. It was inevitable. It was inaugurated with the Government.”

* * * * *

“ But will slavery be established as a normal institution of society, and stand the sole exclusive social system of the South? That is the impending question, and the fact is yet to be recorded. That it will so stand somewhere at the South, I do not entertain the slightest question. It may be overlooked or disregarded now. It has been the vital agent of this great controversy. It has energized the arm of every man who acts a part in this great drama.”

* * * * *

“ If you shall elect slavery, avow it and affirm it, not as an existing fact, but as a living principle of social order, and assert its right, not to toleration only, but to extension, and to political recognition among the nations of the earth ; if, in short, you shall own slavery as the source of your authority, and act for it, and erect as you are commissioned to erect, not only a Southern, but a slave republic, the work will be accomplished.

Those States intending to espouse and perpetuate the institution, will enter your Confederacy; those that do not, will not. Your republic will not require the pruning process of another revolution; but, poised upon its institutions, will move on to a career of greatness and of glory unapproached by any other nation in the world."

* * * * *

"Is it, then, in the just performance of your office that you would impose a constitutional restriction against the foreign slave trade?" * *

"Believing, then, that this is a test of slavery, and that the Institution cannot be right if the trade be not, *I regard the constitutional prohibition as a great calamity.*"

* * * * *

"It will be said that at the outset of our career it were wise to exhibit deference to the moral sentiment of the world. The obligation is as perfect to respect the moral sentiment of the world against the institution. The world is just as instant to assert that slavery itself is wrong; and if we forego the slave trade in consideration of the moral feeling of the world, then why not slavery also? It were madness now to blink the question. *We are entering at last upon a daring innovation upon the social constitutions of the world. We are erecting a nationality upon a union of races, where other nations have but one. We cannot dodge the issue; we cannot disguise the issue; we cannot safely change our front in the face of a vigilant adversary.*"

Here you have the views of a gentleman who took a prominent part in the steps by which this civil war has been precipitated upon us. No man has a larger share of the confidence of the South than Hon. L. W. Spratt. He speaks with authority in expounding the purport and bearing of the civil revolution to which he has so largely contributed—what ends it seeks and is determined to attain under the conduct of its originators and supporters. He assures us that the agitation, call it by what name you will, let it assume what form it may, is destined to endure until at last slavery shall "stand serene, erect, aloft, unquestioned as to its rights or its integrity," at some point within the limits of the Southern States, and until there shall be "no constitutional restriction against the foreign slave trade." Sir, the history of this war in all its stages shows

that Mr. Spratt is right in what he declared to be its object on the part of the South. He conceals nothing, he would have nothing concealed. Why, then, with such incontrovertible evidence before them, do gentlemen on the floor of this house undertake to show that this war is waged by the South for any other purpose?

Now the object of this bill is to enroll the national forces to prosecute the war with vigor, and, in substance, to prevent the establishment of the confederate government based upon those two principles. Mr. Spratt says in this letter that if the convention will pass a resolution or a law permitting the re-opening of the slave trade, then the great movement that was inaugurated would have a practical result. He asserted that it was absolutely necessary the foreign slave trade should be re-opened, in order that the secession government should be established.

The purpose of this bill is to clothe the President with the means of prosecuting the war vigorously, so as to prevent the establishment of the southern confederacy, which has for its object the perpetuation of slavery, and the re-opening of the slave trade. And I ask whether any gentleman on this floor is opposed to a bill for such a purpose?

Again, Mr. Speaker, I am in favor of this bill, because it will do much toward bringing into service a class of men who will not voluntarily enlist, and who do all in their power to dissuade others from enlisting. These men are to be found in all parts of the country. They are to be found in New England. They are to be found in my own State. I know a man there who has represented our city in the Legislature, and who has from the outset been opposed to this war, and has done, I

have no doubt, all in his power to dissuade men from enlisting in the Army of the United States. He is reported to have sent his son abroad, in order that he might escape the draft, and that very son holds at this day an office in the quartermaster's department. These men are called copperheads in some parts of the country. They are called copperheads in the part of the country from which I come, and in which I live. I am in favor of a bill which will bring these men into the Army, who have up to this very hour not only refused to enlist themselves, but have done all they could to dissuade all others from enlisting. I am in favor of all such men, wherever they are found, being drafted and sent into the Army.

I understood the honorable gentleman from Indiana, [Mr. VOORHEES,] yesterday to say, in speaking of the part of the country from which he came and the district which he represents, that God never spread out such broad acres as are to be found in that region. Why, sir, if God did not spread them out, it must have been the devil that created them, and there, to such a region of country, is where I would have these copperheads sent, if they cannot be compelled to be enrolled or to desist from their treasonable practices. [Laughter.]

I am in favor also of the passage of this bill for another reason: because it will bring into the Army men who love the cause of the country; not that our Army is not composed of such men now, but such men as will not give occasion for the repetition of such a remark as was made by the honorable gentleman from Pennsylvania, [Mr. WRIGHT,] the other day, that the Army would not fight as in his judgment an army should fight, unless they could choose their general. I refer to that gentleman from Pennsylvania who was speaking in refer-

ence to General McClellan. He is not now in his seat, although he is seldom absent. I will read his words :

"It is idle to blind our eyes to the condition of things existing in the Army of the Potomac, and to some extent, in the Army of the West to-day. There is a way, gentlemen, in which you may save this Union. If you will but restore to the command of the Army of the Potomac, General McClellan, I do believe you can save the country."

* * * * *

"Mr. Speaker, I have no particular feeling of interest for General McClellan personally. I have nothing to say against him. But I believe at this day there is no man in the Army who embodies, to the same extent, the confidence of that Army and of the people that he does. He who does not see and realize this fact, is blind or deaf to the vibrations of public opinion. So far as I have been enabled to gather the feelings and opinions of the army of the Potomac, I cannot be mistaken in this impression. That army is with him. I believe that to be a fact. And let me tell you, if you would carry victory before your banners, you must have a commander in whom the Army has confidence. It is idle to talk about victories, with a demoralized and disorganized army. So far as General McClellan is concerned, I have never been his especial advocate here. I have never, in the debates in this House, spoken to his discredit. I do not profess to be a competent judge in regard to his military qualifications. But I know this fact, and I say it to you, that he has the heart of the American Army. Yes, sir, he has the heart of the Army with him."

* * * * *

"It is my honest desire to save the Union, and I believe the most effectual means to do this would be the restoration of this general to the command of the Army.

"There is another thing which, in my opinion, should be done. Let this Administration make up its Cabinet of a mixed character. Let it represent the two great political parties of the country. Let it do that, and restore at the same time General McClellan to the army of the Potomac, and it may, with entire certainty of success, call for two hundred thousand men—white men; they will rally around your standards at once. Then we will bring this war to a successful close. I as firmly believe in it as I believe I have an existence."

Now, sir, it is obvious to my mind, if the honorable gentleman from Pennsylvania is at all correct in his remarks, that there needs to be a leaven in our Army, such a leaven as will lead it to fight under any general, and under one general just

as well as under another. I believe the army of the Potomac will do it now. Still it may be well to give it the leaven which these new recruits will infuse into it, fresh from the people. It is well to do so. I tell you they will have no such exalted opinion of General McClellan, that they cannot fight under General Hooker, or under any other of our brave generals. What they want is a general to lead them against the enemy. Such a general will lead them to victory.

General McClellan—for I will venture to express my opinion, since the honorable gentleman from Pennsylvania has expressed his—General McClellan is the Essex of our Army. What we want is a Hampden. An extract which I will now read from Macaulay's review of Lord Nugent's Memorials of Hampden, shows to what this historian attributed the "military errors" of Essex. It shows likewise Mr. Macaulay's views of Hampden:

"The military errors of Essex were probably produced in some degree by political timidity. He was honestly but not warmly attached to the cause of the Parliament; and, next to a great defeat, he dreaded a great victory. Hampden, on the other hand, was for vigorous and decisive measures. When he drew the sword, as Clarendon has well said, he threw away the scabbard. He had shown that he knew better than any public man of his time how to value moderation. But he knew that the essence of war is violence, and that moderation in war is imbecility. On several occasions, particularly during the operations in the neighborhood of Brentford, he remonstrated earnestly with Essex. Wherever he commanded separately, the boldness and rapidity of his movements presented a striking contrast to the sluggishness of his superior."

Mr. Speaker, the generals of the Essex school and age will not do for the Army, if we are to crush this rebellion by the speedy and steady onward march of our entire Army, until it shall meet to conquer our rebel foes. If time, and reasonable time only, shall show that we have not a Hampden in General

Hooker, then, I say, let him be removed, and let the President find the coming Hampden, for we have him somewhere in our country, who will let us know, in the exercise of a wise discretion, "that the essence of war is violence, and that moderation in war is imbecility."

But I have another reason to give for the passage of this bill. Let it become a law, and it will test the question whether the people do really choose to continue the war under existing circumstances at the South and in the loyal States, or to have it at once brought to an end on any terms; whether, if what this war may cost prospectively in money, time, and life, will not dissuade from the further prosecution of it. True, it has cost us already a mint of gold. The prospect is that it will cost us millions and millions more, if we will go on. Months have been given to this war. The South tell us we must give to it years before they can be made, if ever made, to give over the contest. Thousands of lives have already been surrendered on the battle-field, in the hospitals, and in naval engagements on the ocean, in prosecuting this war; and many more of the best men in the land must perish, if we are to persist in our efforts to restore the Union. The conscription bill puts the question to the people, shall the war go on?

Sir, I believe that the spirit with which the people will receive this bill will return to us in emphatic words the answer, and it will be, yes, *it shall go on, cost what it may*, until these rebel States return to their allegiance to this Government. We are for no "short peace" when it comes. Give us rather "a long war," if without it we cannot have, when peace comes, perpetual peace.

As Germany had to wage a civil war of thirty years to

secure religious liberty, in which war almost every chief town was sacked by successive armies, and yet the prize was worth the cost, so the people of the loyal States will contribute money, time, and men, for all of thirty years, to this war, if need be, that they may secure the end for which they are now engaged in it, and this though every chief town in the country should be sacked ; and then they would not give the contest over, for the prize to be gained—"liberty, and the future of this land"—would be worth the cost.

This bill should be passed in my judgment, for another reason. It will unite, by a demonstrated fact, the East and the West, the Border States and the North, between which there are those that would engender strife and division. The demonstrated fact, should this bill become a law, will be this, that as the people have expected that Congress would do its duty by providing with certainty for a national force to carry on this war, so this Congress expects that the people of the loyal States will do their duty, by responding in the spirit of true patriotism to the requirements of this bill. The Congress has not disappointed the people. The people will not disappoint the Congress. The division and disunion which peace men and traitors would engender between the East and the West, the border States and North, will thus be prevented, for it will be seen that there is no loyal State anywhere the people of which will not approve of this law, or any law that can be of essential aid to this Government in the noble work, and gigantic as noble, which it has in hand.

I know of but one member of this Congress, [Mr. VALLANDIGHAM,] whose boast and whose shame, in my judgment, it is that he laid down the rule for himself, and faithfully adhered

to it to the end, "neither to vote for or against any purely war measure of the Administration;" who "has not voted for any Army bill, or Navy bill, or Army or Navy appropriation bill, since the meeting of Congress on the 4th of July, 1861."

The "peace party on any terms" will find in the honorable gentleman a worthy chief. Or, if he cannot be had, I would recommend the honorable gentleman from the Columbus district in Ohio, [Mr. Cox,] whose speech on "Puritanism in politics," before the Democratic Union Association of New York, will render him very popular with the "peace party" in New England; and on these terms, says the *Richmond Enquirer*, can "the peace party on any terms" have peace:

"If they repudiate the debt they have contracted, and abandon the Government they have established, and recant their vows, and break pledges, and eat dirt, it is well; we shall be charmed; the movement will suit us perfectly; and although we shall not exactly respect the actors in that affair, yet we shall not be unwilling to trade with them—*holding our noses a little*—and to show them all suitable civilities, but at a proper distance."

"Holding our noses a little," says the *Enquirer*. Verily noses need to be held when you have to deal with constitutional dirt eaters, for they are rank all over with treason.

As a member of the Thirty-Seventh Congress, now so near its end, I shall return to my constituents with the consciousness that, as their Representative, I have done all in my power to aid this House in that legislation, by the help of which we hope soon to see a cemented Union, "and a nationality so strong and deep that no selfish or sectional appeal can ever occasion its dissolution."







S E R M O N S .

S E R M O N

Preached at East Thomaston, July 26, 1846.

“God forbid that I should glory, save in the Cross of our Lord Jesus Christ, by whom the world is crucified unto me, and I unto the world.”—GAL. vi. 14.

THE Cross of Christ is the Christian's glory. This is the subject which the text suggests for our meditations.

We are called to glory in the cross of Christ ; would that all could exclaim, with as much sincerity as the exclamation and the prayer fell from the lips of the Apostle, “ But God forbid that I should glory, save in the cross of our Lord Jesus Christ, by whom the world is crucified unto me and I unto the world.”

You will observe, his prayer was not, that God should keep

him from glorying, for, as Dr. D'Aubigne has truthfully remarked, "God did not choose to deprive man of all occasions of glorying. To glory is one of the most characteristic propensities of our nature. It is seen in every class of society, and in every portion of the human race. From the highest dignity to the lowest beggar, from the enlightened and refined citizen to the savage, in whose mind scarcely a spark of reason appears, all discover something in which they think they can glory." Nor would the desire of the Apostle have been expressed in the sentence, "God forbid that I should glory." The fulness of his desire could alone come forth in the words—"save in the cross of our Lord Jesus Christ." And hear the reason which he gives for this: "By whom [or whereby] the world is crucified unto me, and I unto the world."—Let me propose this question for our consideration.

Was this a reason for which he might well glory in the cross of Christ, and in that only? Look out for a moment upon the world: In its material structure, it is a glorious world. When God created it, "the morning stars sang together, and all the sons of God shouted for joy." "Day unto day uttereth speech, and night unto night sheweth knowledge." It is all His handy work; and God saw that it was good. And when He made man, He made him a little lower than the angels, and crowned him with glory and honor. God made him to have dominion over the works of His hands. He put all things under his feet. "All sheep and oxen; yea, and the beasts of the field, the fowl of the air, and the fish of the sea, and whatsoever passeth through the paths of the seas. O Lord, our Lord, how excellent is thy name in all the earth!" And would the Apostle have such a world crucified unto him,

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and himself crucified unto it? And is this a reason for his glorying only in the cross of Christ?

Look again. You behold a world in ruins—a world alienated from God, and this is a world in ruins. Sin hath entered into it, and polluted it from centre to circumference. On man, the noblest work of God, sin has placed its mark of defilement and infamy. Man's physical powers—man's intellect—man's heart—all devoted to the service of sin: the whole race of man alienated from God: "For all have sinned and come short of the glory of God;" and the world has usurped in the heart of man the place of God, the world over, and this is true.

It is not a charge which is preferred against such alone as apparently tower above their fellow-men, in the magnitude of their transgressions of the Divine law. Here is a level on which the whole human family meet; here the governors and the governed on earth meet together; the men of every clime, and every tongue. "As by one man sin entered into the world, and death by sin, death passed upon all men, for that all have sinned." (Rom. v. 12.) And because the world has usurped the place of God in the human heart, God has found it necessary to say, "If any man love the world, the love of the Father is not in him." Now it is such a world the Apostle had crucified unto him by the cross of our Lord Jesus Christ. He was crucified unto the world and the things of the world; or, as it is expressed in the text, "By whom the world is crucified unto me, and I unto the world." "Crucified!" We must comprehend the meaning of this word, brethren—for I conceive that we may question if we do, as yet, understand its full import—before we can begin to compass the nature of that death of which Paul had been a subject, and which was effected

through the cross of our Lord Jesus Christ ; or before we can begin to appreciate the worth of the cross in the power which it imparts to overcome the world. The Lord Jesus Christ, by his crucifixion, by his repose in the grave, became dead to all surrounding objects, as the dead always are.

How truthfully it is said : " In the cold and silent grave, the eye is closed to all the fascinating and bewildering scenes which sin would bring within the circle of vision. There the pomp of riches is at an end ; there the voice of ambition, as under its influence myriads of the world's votaries are pressing on to the goal, does not enter ; there is not a hateful passion that can move the inanimate form that is lodged in yonder narrow sepulchre ; to that form all is still and silent as the grave." In a sense similar to this, by the cross, the world became dead to Paul, and he became dead to the world. Worldly ambition ; the love of money ; the pride and pomp of life ; the dominion of evil and hateful passions, ceased to control in his heart. Though he had been taught at the feet of Gamaliel, and could cope with any of his time for the highest honors in Church or State ; though he might have entered the field before him with the fairest prospect of securing to himself the riches of this world, if on being rich he had set his heart ; still, by the cross of our Lord Jesus Christ, from all these things he had been effectually weaned, and more than weaned—for they were to him, and he to them, as though he were dead. It is written, " He that is slow to anger is better than the mighty ; he that ruleth his spirit, than he that taketh a city ;" so, through the cross of Christ, Paul does better than the mighty, or than he that taketh a city ; for, though a man of strong passions, through the instrumentality of the cross, they were brought

into captivity to the obedience of Christ. And still—paradoxical as it may seem—his was a crucifixion, a death unto life. For in this same epistle, he writes, “I am crucified with Christ. Nevertheless I live; yet not I, but Christ liveth in me, and the life which I now live in the flesh, I live by the faith of the Son of God, who loved me, and gave himself for me.” He reckoned himself “to be dead indeed unto sin, but alive unto God through Jesus Christ our Lord.” Alive from the dead in trespasses and sins, him had God quickened; alive to the sweet consciousness that he was no longer under the law, but under grace; and that the law had fulfilled its mission with him, in having been a schoolmaster to bring him unto Christ, that he might be justified by faith. (Rom. iii. 24.) Moreover, his was a crucifixion unto life, in that, from that hour, he was alive to the great objects which ought to interest the immortal mind; to the glory of God, as the chief end for which man was created; and to the solemn truth that around him were millions of his fellow-men, in the broad road that leads to death, whose feet could be turned into the paths of righteousness only by the grace of God, through the cross of our Lord Jesus Christ, in the efficient operation of the Spirit’s influences upon their hearts. Nor are we for a moment to suppose that when the Apostle speaks of the cross, he means that visible sign, a representation of which is frequently seen in many countries of Christendom. He refers to the death of the Son of God; his death on the cross, which, in the fulness of time, took place for the remission of sins. The Lamb of God, suffering, dying on the cross! This was his glory; for it had been written, “Cursed is every one that hangeth on a tree;” and by the death of the Saviour did he redeem Paul from the

curse of the law, being made a curse for him, and not for him only, but for the world, since Christ died as the propitiation for the sins of the whole world ; and now God can be just and the justifier of him that believeth in Jesus. *It was the doctrine of Christ's perfect atonement*—salvation by the blood of the Lamb—in which he gloried. The blood shed on the cross which Simon bore unto a place called Golgotha, and on which the Saviour was crucified, had reached Paul's heart, through faith in his name.

He stood not in need of a cross of ivory or gold, to wear as a remembrancer of the Saviour's death ; he desired no representation of Christ on the cross before which to kneel, that he might the more glory in the cross—for the import of the cross had been so written on his heart, through faith in the blood that was there shed, to cleanse from all sin, that he could exclaim, " But God forbid that I should glory, save in the cross of our Lord Jesus Christ, by whom the world is crucified unto me, and I unto the world."

This crucifixion of the world to Paul, and of Paul to the world, was, then, his deliverance from the power of Satan and the dominion of sin, into the glorious liberty of a freeman in Christ Jesus. To him belonged all the blessings and promises connected with that liberty. His was the victory that overcometh the world ; his to be a co-worker with God and with Jesus Christ, in bringing an alienated world back to God ; his to be an heir of God, and joint-heir with Christ, to an inheritance incorruptible, and undefiled, and that fadeth not away ; his the white robe at the last, and the white throne, with palms of victory in his hands. " Who is he that overcometh the world, but he that believeth that Jesus is the Son of God ?" " He

that overcometh, the same shall be clothed in white raiment ; and I will not blot out his name out of the book of life, but I will confess his name before my Father and before his angels." Blessed words of Him who died on the cross !

Paul might glory only in the cross of our Lord Jesus Christ, for he was dead, and by it he was alive again ; he was lost, and by it he was found.

I remarked that the subject which the text suggested for our meditations was, the cross of Christ the Christian's glory, and I have individualized Paul, for he was in very deed a Christian, and dwelt particularly upon the reason which he gave in the text for glorying in the cross of Christ, for the very purpose of showing why the cross of Christ, and that only, is the Christian's glory. The Apostle might have assigned other reasons, but he chose to confine himself to this. He gloried in the cross of Christ, because by it the world was crucified unto him, and he was crucified unto the world.

The cross of Christ the Christian's glory.

Now if there be one who bears the name of Christian, if he glories in anything save the cross of Christ, how came he by that name, or how is it that he can venture to think himself one of Christ's disciples ? Do you ask to-day, you who bear the name of Christian, whether you are one of Christ's flock ?

The Saviour asks in reply, in what is thy glory ? He points you to Gethsemane, and there you shall look on Him " who was wounded for our transgressions, and bruised for our iniquities ;" and he repeats the question, is this thy glory, even this only, that Christ died for your offences, and rose for your justification ? and by His death is the world crucified unto you, and

you unto the world? Then you are his—sealed with the seal of his atoning blood.

Brethren, it is such a crucifixion of the world unto us, and of ourselves unto the world, by the cross of Christ, as that through which the Apostle passed, that we need and must have, if we would ever obtain the victory; if we would be dead to sin, and yet alive unto God through Jesus Christ our Lord.

It is related of the Emperor Constantine, that he gloried in a visible cross, because, as he was marching towards Rome, at the head of his army, there suddenly appeared to him, a little after midday, a pillar of light above the sun, in the form of a cross, with this inscription, "Conquer by this." The phenomenon, the historian declares, "confirmed his uncertain faith, and afforded him the truest omen of victory." The Emperor sent for the ablest artificers and workmen, and ordered them to frame a cross of gold and precious stones, according to the directions which he gave them, as a standard under which he might lead to victory. Under this standard he entered Rome, and for many following years, it was only necessary that it should be displayed, to excite the enthusiasm of his soldiers.

What the visible cross is said to have been to Constantine, must be Christ on the cross to the Christian's eye of faith. The promises of God encircle the cross, and have written in letters of light, above the brightness of the sun, "By this conquer." No cross of gold and precious stones, but the cross stained with the blood of Christ—a sin-offering more precious than rubies. Let this ever excite in us, brethren, a holy enthusiasm to wage the contest unto death with sin and the world.

“ Our faith adores Thy bleeding love,
And trusts for life in One who died ;
We hope for heavenly crowns above,
From a Redeemer crucified.

“ Let the vain world pronounce it shame,
And fling their scandals on the cause,
We come to boast our Saviour's name,
And make our triumphs in his cross.”

And while to-day we are all called to glory in the cross of Christ, we are not called to this duty and enjoyment without an opportunity being given of contrasting the glory of the Christian with the glory of the sinner.

Thine ear may be heavy, boastful traveller to eternity, whose glory is not in the cross of Christ, and you may not hear the voice that for nearly two thousand of years has sounded forth from Calvary, and that comes to you on this blessed day, with the question, In what is thy glory? Is it in thy beauty? Clothed in the habilaments of the dead, it will cease to attract the admiring gaze of any; it will be undistinguished in the corruptions of the tomb. Thine accomplishments? You cannot boast of them when on the very confines of the grave; for though they may have served to glue you to the world, they cannot serve to alleviate a single pain, or dispel the darkness that gathers over the bed of death. Thy learning, or strength, or wealth, or worldly honors, do you find your glory in any or all of these? Then do you glory in weakness, and rejoice in infirmity; for learning cannot open to you the gate of heaven; your strength will soon fail; your wealth will not ward off disease; it will not smooth the couch of death; it will not save the soul. Your worldly honors will leave you all unclothed in the presence of the King of kings.

The sinner's glory, how evanescent, how vain! Contrasted

with the glory of the Christian, it becomes nothing, and less than nothing, ; and that which is the sinner's glory, should be his *shame*, since it is for these trifles that he despises to glory in the cross of Christ, and risks the everlasting interests of his soul. "All is glory around the cross. It was a glorious Saviour who died ; it was glorious love that led him to die ; it was a glorious object to redeem a world ; and it is unspeakable glory to which he would raise lost and ruined sinners."

Let us cease to marvel, then, that man must be born again to enter the kingdom of God. "Jesus answered and said unto Nicodemus, verily, verily, I say unto thee, except a man be born again, he cannot enter the kingdom of God." There is a wide, a heaven-wide difference, between the glory of the kingdoms of this world, and the glory of the kingdom of God. Of the one God has written "foolishness," of the other "wisdom." The one is human glory, that continues for a little time, and then vanisheth away ; the other is the glory of the cross—Christ crucified—eternal glory, to the believer. The one is desired, and loved, and eagerly pursued by the carnally minded ; the other hath no beauty, is hated and rejected of men, in their alienation from God. The one is of the Devil ; the other, of the Spirit of God. "But the natural man receiveth not the things of the Spirit of God, for they are foolishness unto him ; neither can he know them, because they are spiritually discerned." Hence the preaching of Christ crucified, the Christian's glory, is unto the Jews a stumbling-block, and unto the Greeks foolishness.

Since, then, there must be the new birth ; since the natural man must be born of water and of the Spirit, that he may spiritually comprehend the glory of the kingdom of God, and

participate in that glory, let our prayers be, for the sinner's sake, Come, Holy Spirit, with thine own quickening influences, and unfold the glory of the cross of Christ to every heart. Let this prayer go up for our own sakes, that we may the more earnestly desire to glory in nothing, save in the cross of our Lord Jesus Christ, as that by which the world is crucified unto us, and we unto the world.

In conclusion, let me remark that our conceptions of the power of the cross of Christ, and of the triumphs which await it, as its revenue of glory, and for which, withal, the Christian glories in the cross of Christ, cannot exceed the reality. For who shall tell the number of those who through its power have already obtained the victory, and are now seated on thrones of glory, praising the Lamb? Who shall count them up, who have not, as yet, ended life's journey, but who, sustained by sin-conquering strength from the cross, are as strangers and pilgrims on earth, travelling to that city out of sight? Oh! how many have looked, in the throes of spiritual death, upon the uplifted cross, and lived? "And I," said the Saviour, "if I be lifted up from the earth, will draw all men unto me." Though the cross of Christ has already achieved the victory over many nations, yet the full import of this prophecy and promise remains to be written down, in the kings and nations that are yet to come and prostrate themselves before it; for Jesus Christ is to have "dominion from sea to sea, and from the rivers unto the ends of the earth." Superstition and infidelity are in vain arrayed against the uplifted cross. It has overcome many adversaries—it will overcome them all. This, this is its revenue of glory, for the song of the ransomed will be: "Thou art worthy to take the book, and to open the seals

thereof, for thou wast slain, and hast redeemed us to God by thy blood, out of every kindred, and tongue, and people, and nation."

Come, come, dying hearer, as yet unreconciled to God, and let thy glory, from this moment, be only in the cross of Christ. On the cross, Jesus Christ was slain for you; -by it be the world now crucified unto you, and you unto the world, that you may be found amongst the redeemed unto God by his blood!

S E R M O N

Preached at New York, October 19, 1851.

“Who is he that overcometh the world, but he that believeth that Jesus is the Son of God?”—1 JOHN v. 5.

It is a cardinal truth, that all that is within these hearts of ours, and all that is without, which is opposed to God, must be overcome, before we can enter the kingdom of heaven. This is what the Apostle means by “the world.” The natural, material world, as God has made it, is good, and we have no contest with it; but the world within our hearts, the sinful things of the world, which have obtained a lodgment there, and about which our affections cluster, with them we ought to be in conflict; they would keep us estranged from God, and would forever hold our souls in slavish subjection to sin and Satan. “And who is he that overcometh the world, but he that believeth that Jesus is the Son of God?” Here, evidently, the Apostle conveys the idea that faith in Jesus as the Son of God, sustains a significant relation to the issue of our contest with the world; and here, too, he challenges investigation with special reference to the actual result, according as one is supremely influenced or uninfluenced by this faith:

Let our attention be directed, on the present occasion, first, to the question, What is it to believe that Jesus is the Son of God? In the next place, we would meet the inquiry contained in the text, viz. : Who is he that overcometh the world, but he that believeth that Jesus is the Son of God?

On opening the New Testament; we find that the most common appellations given to the Saviour are, "Son of Man," and "Son of God." And as the humanity of Christ, or in other words, that he was possessed of a human nature, is clearly taught in the Gospel, we do not question; but the former appellation was assumed to denote that he was a man, and to guard against the impression that he who appeared, at least, to be in many things more than a man, was not truly a human being. But here, too, is the appellation "Son of God; and it stands in contrast with the title, "Son of Man." And what, we ask, is the meaning of this phrase? for, to believe that Jesus is the "Son of God," implies, certainly, that we believe the truth concerning Jesus, which is involved in the name which is here given to him. Now the natural, and obvious, and Scriptural meaning of the phrase is, that the Lord Jesus was a man, and why is it not the natural and obvious import of the title "Son of God," that he was something more than a man; that he was possessed of another and higher than human nature, which could not properly be designated by any other title than the august one given him, in the words "the Son of God." Nor need we be at a loss to understand the Scriptural import of this appellation. The Jews understood it to mean that he was possessed of a nature which made him equal with God; nor did the Saviour inform them that, in this respect, they were laboring under a mistake. On the contrary, he immediately

proceeded to confirm them in this meaning. It is written—
“Therefore the Jews sought the more to kill him, because he not only had broken the Sabbath, but said also, that God was his Father, making himself equal with God. Then answered Jesus and said unto them, Verily, verily, I say unto you, the Son can do nothing of himself, but what he seeth the Father do ; for what things soever he doeth, these also doeth the Son likewise. For the Father loveth the Són, and showeth him all things that himself doeth ; and he will show him greater works than these, that ye may marvel. For as the Father raiseth up the dead and quickeneth them, even so the Son quickeneth whom he will : For the Father judgeth no man, but he hath committed all judgment unto the Son ; that all men should honor the Son, even as they honor the Father. He that honoreth not the Son, honoreth not the Father which hath sent him.” (John v. 18–23.)

I have introduced these verses for the purpose of showing how the Saviour, on a certain occasion—nor is this a solitary instance—proceeded to confirm the idea that he was possessed of a divine nature, and that this was the import of the title, “the Son of God.” Here he was accused of making himself equal with God ; and so far from denying it is he, that he claims to be honored even as the Father is to be honored—to be loved, obeyed, and worshipped, even as the Father is to be.

In the Lord of glory, then, dwelt all the fulness of the God-head bodily ; and he it was, “ who being in the form of God, thought it not robbery to be equal with God ; but made himself of no reputation, and took upon him the form of a servant, and was made in the likeness of men. And being found

in fashion as a man, he humbled himself, and became obedient unto death, even the death of the cross. Wherefore God hath highly exalted him, and given him a name which is above every name ; that at the name of Jesus every knee should bow, of things in heaven, and things in earth, and things under the earth, and that every tongue should confess that Jesus Christ is Lord, to the glory of God the Father." (Phil. ii. 6-11.) Thus have we seen that the leading truth concerning the Saviour, involved in the title "Son of God, is that he was of a divine nature, in contradistinction from the nature which he had, and by which he was known, as the "Son of Man." And to believe in Jesus, therefore, as the Son of God, is the *practical* reception of this great truth—first, in confessing *our need* of such a Saviour.

The unbelieving Jews rejected the Saviour, because he claimed to be the Son of God ; for this they accused him of blasphemy. Many did not feel, neither did they confess, their need of *such* a Saviour as Jesus Christ represented himself to be. He came to seek and save that which was lost—to bring back the revolted race of man to its allegiance to God. To do this, the offering of himself, who was none other than God manifest in the flesh, was necessary. To the ignominious cross was the Son of God to be led a sin-offering, that sinners might be made the righteousness of God in him.

But He was despised and rejected of men—rejected, not as the Son of Man, but as "the Son of God ;" and is it not so to this day ? Do sinful men feel their need of *such* a Saviour ? Do they confess that it needed no less a personage to die on the cross for their sins, than such as Jesus Christ is declared to be in the title, "the Son of God."

But let us look on the other side of this picture. You have read of the Ethiopian treasurer. He was not by birth a Jew. He was an alien from the Commonwealth of Israel, and a stranger to the covenants of promise. He was a foreigner—an African—a negro—a Gentile—an eunuch—and how was he to become one of the people of God? how was he to believe that Jesus is “the Son of God?” The Apostle tells us that he was returning from Jerusalem, sitting in his chariot, reading Esaias the prophet; and Philip was sent unto him, and he heard the eunuch reading what we have in the 53d chapter of Isaiah, in which is predicted almost every fact, and is set forth every doctrine, connected in the person, the offices, and the work of Christ. Then Philip opened his mouth, and began at the same Scripture, and preached unto him Jesus. He preached him, not as the Son of Man only, but as “the Son of God;” for as he preached, the Ethiopian asked, “What doth hinder me to be baptized?” And Philip said, “If thou believest with all thine heart thou mayest;” and he answered and said, “I believe that Jesus Christ is the Son of God.” He had been at Jerusalem, where Immanuel, God manifest in the flesh, had preached, and suffered, and died, and had risen from the dead; but on his way back to the land of spiritual darkness from whence he came, as yet unconverted, he is reading the Scriptures; and as he read, and Philip preached, he felt and confessed his need of just such a Saviour as “the Son of God” alone can be. I repeat his words. “I believe (he said) that Jesus is *the Son of God.*” We do not now enter upon the question, why was it necessary that the Saviour should possess any other than a human nature, in order that he might be amply qualified to save us from our sins? This question I may

not be able to answer satisfactorily to others, or even to myself. I do not know that the Bible answers the question. I do not know that the answer to it forms any part of that which the Scriptures would have us believe.

But *the fact* itself, viz. : that Jesus was "the Son of God," and all that the Bible ascribes to him by virtue of his being "the Son of God," we are to believe, if we believe in him according to the meaning of the text. And how, I ask, are we to believe, unless we confess *our need* of such a Saviour? As long as we confess not our need of the interposition of the very Son of God, to save us from our sins, we are in unbelief. This confession from the heart is, obviously, implied in believing.

An Indian missionary was once seated by the side of a chief, to tell him how to be at peace with God, and how to be saved from wrath to come. He spoke of the birth, and life, and death, of the Saviour, and the object of that death; and in conclusion, he dwelt upon the fact that it was "the Son of God"—possessed of all the attributes which the Scriptures ascribe to him as the Word made flesh—who came to seek and save. As the missionary thus spoke, in such simplicity of language as to make himself understood, the Chief caught the idea, and with an eye beaming with emotion, and a heart overflowing with gratitude, as the light of hope entered his heart, he exclaimed, "*Such* is the Saviour that I need!" and converted sinners everywhere hold the same language. Such are their views of the law of God, and their condemnation by that law, of an atonement; of what that atonement must be to be effectual with Him whose law has been broken, and of the power requisite to keep them in the straight and narrow path

that leads to heaven, that they are ready to confess that none but an almighty Saviour can meet their case. Could you take away the almighty power of the Lord, and leave sinners no other atonement than that which a mere man, or an angel, might make ; no other arm in which to trust, than one possessed of human strength alone, you would for ever put an end to redemption from sin, and blast the hopes now cherished in Christian hearts, and fill them with despair. They can now say, even as Paul said, " I know whom I have believed, and am persuaded that he is able to keep that which I have committed unto him against that day ;" and the stability of their confidence is that Jesus is " the Son of God."

But again. To believe in Jesus as " the Son of God," is not only the practical reception of this great truth, in confessing our need of such a Saviour ; but, secondly, in trusting implicitly in his atonement for salvation. He died that God might be just, and the justifier of him that believeth in Jesus. " Whoso believeth that Jesus is the Christ is born of God." " Every spirit that confesseth that Jesus Christ is come in the flesh, is of God ; and every spirit that confesseth not that Jesus Christ is come in the flesh, is not of God." Here the Apostle holds up the truth that the Son of God incarnate—that is, invested with flesh—is the Saviour of the world. And to believe in him, is to trust implicitly in the atonement of " the Son of God " *incarnate* for salvation. The meaning of confession here is implicit trust in him. " For with the heart man believeth unto righteousness, and with the mouth confession is made unto salvation." When the Saviour appeared unto his Disciples, among whom was Thomas, he said to Thomas " Reach hither thy finger and behold my hands ; and reach hither thy

hand and thrust it into my side ; and be not faithless but believing." And Thomas answered and said unto him, " My Lord and my God !" Here was his confession that " the Son of God " in the flesh died on the cross, and rose for our justification. Then it was he believed in his heart, and confessed with his mouth, Jesus Christ as his Saviour.

To make a proper acknowledgment of this doctrine, it is not enough that we admit it to be a doctrine of the Bible ; we are to receive it in such a manner as to influence our conduct and whole future life. We are to receive it with a special application of it to the case of our own souls ; closing with Christ and his atonement, as our Saviour ; resting on him as all our salvation and all our desire. This the Philippian jailer did, this we must all do, if we would with unreserved confidence trust in his atonement. It is then the blood of Jesus Christ, his Son, cleanseth us from all sin. My hearers, there is no other saving faith in the Son of God, than that of which we speak. A faith that so makes it a thing of reality with us, that he died for our offences, as to bring us to him. To live, pray, do, suffer, hope, and walk as in Christ ; to think much of our sins, but more of Christ's atonement and grace ; of our guilt and his blood ; of our wants and his fulness ; of our wretchedness and his righteousness ; our weakness and his strength.

" 'Tis not to plant your hope
Where all things change and die ;
But anchored to the cross of Christ,
Look upward to the sky."

But we were to meet the inquiry contained in the text, viz. : Who is he that overcometh the world, but he that believeth that Jesus is the Son of God ? Do we ask again, What is it to obtain the victory over the world ? It is not simply to gain

a victory over one worldly passion, or to subdue one evil propensity ; it is not to break away from one form of sin, from one circle of sinful companions. It is not to get rid of those tastes and habits of childhood and youth for which there is an early fondness, to be the devotee of other tastes and other habits, which are, in fact, only the ripe fruit of the same vicious seed. Nor is it to be what is commonly known as the moral man ; an approved husband, a good father, an exemplary citizen. There are those who exchange the ardent passions of youth for the becoming soberness of increasing years ; there are those who so see the folly of a life of frivolity, as to give it over forever. There are those who have become disgusted, if not satiated, with riches, and to whom all their real or fancied enjoyments are as nothing, in comparison with what they are with those who are in hot pursuit of wealth. Disappointed in some scheme of ambition, how many have withdrawn from political conflicts forever. In weariness of flesh, how many have ceased from much study, making many books ? There are those, too, whose hearts are crushed and broken by losses, and by the death—or, what is worse than death—by the ingratitude of their children, and who, abandoning the hope that their family will be honored, and their name perpetuated, by those whom they tenderly love, would now seek a lodgment in some vast wilderness, that they might shun the face of man. But of these classes, to which can we point as having overcome the world ? Alas ! all are to be found in the same condemnation.

If the days of youth could be restored ; if the calamities which have come upon them could be withdrawn ; if the stream of their prosperity could return ; they would show as much of

the spirit of the world as ever they did, and would pursue its follies and vanities as greedily as they had done before. We must not mistake dejection, and sadness, and brokenness of spirit, and lamentations, and want of cheerfulness, for victory over the world. Indeed, they but prove that the spirit of the world still reigns in our hearts.

And moreover, all this dejection and sadness, though it may come from the doings of death even, will pass away, and leave no trace of any conquest we have seemingly made of the world, if we are not led by this path to Christ.

We have seen worldly mothers come from the chamber of death, to introduce another daughter into the gay world, with all the brilliancy which fashion prescribes. We have seen a worldly father mourning over the death of a son, and thinking that this would wean him from the world—but then, before many weeks, in the whirl of business, in the exciting scenes of ambition, he has proved that his heart is as much wedded to the world as it ever was. A gay daughter and a dissolute son have been seen weeping in agony by the bedside of a dying mother, and promising amendment; and then, forgetful of all parting admonitions, have soon gone, with augmented avidity, into the sinful pleasures of the world. It needs something more than any principle we have by nature, or can obtain from the world; it needs something more than any strength which we have within us—even a strength without us to be brought within, and made a part of us—if we would overcome the interior world of these selfish hearts, and the exterior world of self-indulgences. And when the Apostle asks, “Who is he that overcometh the world, but he that believeth that Jesus is the Son of God?” he does, in fact, assert that all others are

overcome of the world. As has been before remarked, he challenges investigation with special reference to the actual result, according as one is supremely influenced or uninfluenced by this faith. And have we not investigated? and what should be our decision? Or do we still hold back from the conclusion to which we feel that we should come? Then delay a moment longer, whilst we put another witness on the stand. What are you doing, if you are not a Christian, which evinces that you have overcome the world—your life in evidence? Are you not amongst the number of its most devoted friends? Are you not wrapped up, engrossed with it? Does it not have you in willing captivity? As in heaven's chancery, let your consciences answer these questions.

Yet again. Go with me to yonder dwelling. It is not the abode of affluence, nor of poverty. There is a competency of this world's goods; and if there was not, it would not spoil the illustration. Now we have crossed the threshold—now we have entered the room—and now your eye falls upon a man who, physically, intellectually, and morally, is not a whit your inferior. Moreover, were he desirous of political honors, of literary fame, of large possessions—of anything which is thought desirable for this world—might not he make his prospects as fair, if not fairer, for them, than your own? But you recognize in him the unobtrusive, yet stirring, industrious, honest, benevolent, and professedly Christian citizen—the man who is apparently, obviously, living for the glory of God; one to whom you have for years looked as being what Burke says the Christian is—“the highest style of man;” one of God's noblemen; one of Christ's unmistakable disciples; one on whom you have looked and said, “If there be a Christian, *that* man is one; and that

there are Christians, I cannot doubt, since he is what he is." One of whose death you have thought, and as you thought been ready to exclaim, "Let me die the death of the righteous, and let my last end be like his."

This is not a picture of the imagination. Such men have lived ; such men do live ; you know some such men. But they are Christians—veritably Christians. They have come to Jesus, confiding their all for time and for eternity to him, in whose shed blood they alone trust ; they show by an honest conversation that Christ is in them ; and they have overcome the world, or it has been overcome by no one. They are born of God ; and whatsoever is born of God overcometh the world. And this is the victory that overcometh the world, even our faith. Who, then, is he that overcometh the world, but he that believeth that Jesus is the Son of God ?

And he that believeth ! No matter who or where he is ; he that believeth—no matter of what sex or condition, or color, or clime—whether a king or his subject, male or female, in affluence or in want ; of color black as Egyptian darkness, or white as Caucasian lilly, and even more, soul stained with sins of crimson dye ; he that believeth that Jesus is the Son of God, overcometh the world.

My hearers, our whole nature and condition is one perpetual call for faith ! O the fulness that there is in Christ ! O blessed the peace of a child-like faith ! "I want it ! I must and will have it !" May this be the feeling uppermost and enduring in our hearts.

"I would not e'er forsake
The strength that cannot fail,
A poor, blind wanderer of the dust,
An atom on the gale."

S E R M O N

Preached at Rockland, Me., Jan. 8, 1854.

“I am crucified with Christ : nevertheless I live ; yet not I, but Christ liveth in me ; and the life which I now live in the flesh, I live by the faith of the Son of God, who loved me, and gave himself for me.”—GAL. ii. 20.

IF any man could say, “ I live,”—it was Paul, a servant of God, an Apostle of Jesus Christ.

He did not mean by this brief sentence, what we mean when we say of one, “ he is alive.”

We mean, that there is still the breath of life ; that the soul has not left its clayey tabernacle ; that the body has not become rigid in death : the Apostle meant far more than this :

Let us look for a moment at his *manner of life*. In point of intellectual culture and attainments, as well as natural vigor and energy of mind, he was not inferior to any man of his day.

He had enjoyed the best opportunities which his age afforded, for becoming acquainted with Greek and Jewish literature : he had genius to relish, and industry to profit by these advantages.—A man of iron will and iron constitution ; a man whose power of endurance was unequalled ; who

studied under Gamalial, a member of the council and a doctor of the law ; who profited in the Jews' religion above many his equals, and who was qualifying himself for the sacred office of Scribe and for membership in the Sanhedrim, the highest position to which he could attain, a persecutor of the church of Christ.

In short, a learned and zealous and persecuting formalist, resting in the correctness of his creed and the decency of his life and the strictness of his religious observances, while his heart was far from being right with God.—Such was Paul previous to his conversion.

But even subsequent to his conversion and commencing with the period when he put the question to Jesus Christ, " Lord, what wilt thou have me to do ?" he was another and a different man in his manner of life. Then he brought his talents, his learning, his energies of body and mind, and consecrated them to the services of his Redeemer, a living sacrifice, holy, acceptable unto God.—Then, he reckoned himself to be indeed dead unto sin, but alive unto God, through Jesus Christ our Lord.

And what does his manner of life show, but that he lived? Lived to labor faithfully and effectually in the cause of his divine Master ; lived to do more for the advancement of the Redeemer's kingdom by his labors, by the spirit which he manifested, by the churches which he organized, by the epistles which he wrote, than any of his co-temporaries. Lived to die with the victorious exclamation on his lips, " I have fought a good fight, I have finished my course, I have kept the faith." Lived to receive the crown of righteousness at his death.—Well might the Apostle have written to the Galatians—" I live." Never man lived, if he did not.

History does not furnish his parallel. No man that has ever lived, could speak the words, "*I live*," with more truthfulness, or with greater conviction to the minds of those for whom they were spoken, than did the Apostle to the Gentiles.

Here, then, we may meet at once the question—What is it to live? What is it to say—"I live?" Of whom will God write in the Book of Life which is to be opened when the dead will be judged out of those things which are written in the books, according to their works, of whom will God have written, "he lived?"

To say, "I live." Can it be said by him whose life is one of sensual pleasure? Whose life is in meats and drinks, and in the indulgence of the lowest propensities?—He has the breath of life in him: so has the brute. But this man of pleasure is dead while he liveth.

What good has he done? What better is the world for his having lived in it? By what one act of his, has he glorified his Maker?

To say—"I live." Is it well said by the man whose God is Mammon?

He lives to-day, as he has lived; living, scheming, aiming for the riches which perish. He sees nothing, knows nothing, cares for nothing, but accumulation; and to accumulate silver and gold is his life.

Does he live?—He heapeth up riches and knoweth not who shall gather them. He leaves it unto the man who shall be after him; and who knoweth whether he shall be a wise man or a fool?

"Be not thou afraid when one is made rich; when the glory of his house is increased. For when he dieth, he shall carry

nothing away ; his glory shall not descend after him. Though while he lived he blessed his soul, (and *men* will praise thee, when thou doest well to thyself,) he shall go to the generation of his fathers ; they shall never see light." He does not so much as make to "himself friends of the mammon of unrighteousness, that they may receive him into everlasting habitations." Of such the Bible declares, that they are fools.

Nor can it be said, "I live," by the men who have chased till they have won and only won the honors of the Statesman or the fame of the Jurist.

That eminent statesman, Lord DUNDAS said, when wished a happy new year, "It had need be happier than the last, for I never knew one happy day in it."

Lord ELDON, the successful lawyer, when the whole Bar was envying the Chancellor, wrote in his journal, "A few weeks will send me to dear Encombe, as a short resting place between vexation and the grave." And there are many who have won distinction at the dear price of no resting place between vexation and the grave.

One of the most gifted artists the world has ever beheld, wrote in the little library where he painted last, "I repent." "This desire for fame," he asked, "what has it done for me?"

It was St. Helena's kingly prisoner, who exclaimed in brokenness of heart, "I die before my time, and my body will be given back to earth, to become food for worms. Such is the fate of him who has been called the great Napoleon. What an abyss between my deep misery and the eternal kingdom of Christ, which is proclaimed, loved, adored ; and which is everlasting over the whole earth." No ! no ! these men of

worldly fame and power, could not say, at their best estate, "I live." This is not life as God reckons life; nor of such is it written as of Paul, they lived.

To say, "I live." O this may be said and only said by him who lives a life of goodness; a life of devotion to Jesus Christ in a good life. Wilberforce, of whom Lamartine as beautifully, as truly, said, "he went up to the throne of the Eternal with a million of broken fetters in his hands as evidence of a life well spent;" Buxton, Arnold, Robert McCheney, and Henry Martyn, and others like to them; the man or woman whose life is one of earnest goodness, in the sphere in which they move and according to their ability, can say, in all truthfulness, in the very words of Paul, "I live." This is life, life all glorious; life all victorious; this is what it is to live. Paul was more active and zealous after his conversion than he was before.—The effect of religion is not to make one dead to the putting forth of the energies of the soul. True religion never made a man indolent and lethargic.

It has converted many a man of indolence, and effeminacy and self-indulgence, to a man actively engaged in doing good. It is well said, "if a professor of religion is less active in the service of God than he was in the service of Satan; less laborious and zealous and ardent than he was before his supposed conversion, he ought to set it down as full proof that he is an utter stranger to true religion." It was not so with Paul.

Live, then, to labor in your Master's vineyard. Live to make your life tell for good on the welfare of mankind. Let the close of every day register your Christ-like works in the Book of Life. A blessed life this which can leave no chasm between thee and the "Anointed." But you will observe, the

text is something more than the expression on which we have dwelt, though it be of itself sufficient for a text.

¶ The Apostle proceeded—"yet not I, but Christ liveth in me."

In the previous clause, he had said—that he lived. And, now, lest it should be inferred that he meant to say, it was by his own energy and power, he lived, he points to Jesus Christ as the source of all the life he had.

Christ lived in him by his doctrines, his precepts, his example ; his spirit, his fellowship, his promises. Here was the great moving power, the ever acting force of his life.—He had become a new man in Christ.—He had new views of himself ; new views of God ; of the law ; of the gospel as God's truth ; of Jesus as God's Christ ; of the world as apostate from God ; of the church as God's people ; and of the Saviour as the head of it, by whose name alone man could be saved. Christ living in the heart of man ; this it is which makes *him* live.

And before Christ is in him, the hope of glory, he is dead. And do we ask, How did Paul know that Christ lived in him ?

He had just said, "I am crucified with Christ." And by his crucifixion with Jesus, he rose with him to newness of life. "Now, if we be dead with Christ, we believe that we shall also live with him."

"I am crucified with Christ."

By this he meant, as he in another place in his Epistle to the Galatians expresses himself that, by the cross of Christ, the world was crucified unto him and he unto the world. This is to say, that the effect of the death of Christ on the cross had been such upon him, as to break the world's hold upon his

mind and heart and life and bring him on to the side of the Saviour.

This was how he knew that Christ lived in him.

And so we may know, if Christ be in us and we in him.

If by the sufferings and death of the Redeemer for our sins ; if by the love of Christ, we have been led to take our affections from things of earth and place them on things above ; if the dominion of sin in our hearts has been broken ; if ambition for fame and power, and riches ; if the pride and pomp of life ; if hateful passions are now so obnoxious to us that in them we see the sins that brought the Saviour to the tree, and renouncing them, we do, henceforth, devote ourselves to the service of Him, who bare our sins in his own body, that we being dead unto sin, might be alive unto God, through Jesus Christ our Lord ; surely the Saviour is in us as he was in the Apostle, by His doctrines, precepts, example, spirit, fellowship, power and grace.

“ And the life which I now live in the flesh, I live by the faith of the Son of God, who loved me and gave himself for me.” “ And the life which I *now* live in the flesh.”

Brethren, what a blessed life was this when compared with the life which the Apostle had previously led !

His soul was on fire when he thought of the Cross and a perishing world. He would not, he could not refrain from effort. Ease might proffer him indulgence ; wealth might display her bribes ; pleasure might exhibit her charms ; persecution might bring out and spread in his path a fearful array of scourges and chains and axes—but he looked at the Cross ; and beholding the Son of God suspended there, he armed himself, likewise, with the same mind. As he now lived among

men, he was by no means exempted from the cares and anxieties of this life, but he carried the life-giving principles of religion into all his duties and all his trials.

Ever sustained by these principles, he was making a safe passage over the stormy sea to the haven of an eternal rest. And what is religion worth to us? What is it worth to any man? Wherein does it make us to differ from others, if it be not a religion of power, of vitality sufficient to be to us all that we need?

If we want religion at all, we want it for daily duties; we want it for daily trials; we want it for that which nothing but religion can afford. We have put to the test worldly maxims; we have tried stolid philosophy; we have been under the yoke of the law, and we can write of them all, vanity. "Vanity of vanities, saith the Preacher, vanity of vanities; all is vanity." But to fear God and keep his commandments;—by *this* life which the Christian *now* lives in the flesh, doing this by the power of the gospel which he could not do by the law, this is the religion of life-giving principle. It makes the life what it ought to be; it animates with the hope of a glorious immortality. It changes death into a sleep in Jesus to rise with him, having our vile bodies "fashioned like unto his glorious body, according to the working whereby he is able even to subdue all things unto himself."

And Paul's life in the flesh was what it was, *by faith*.

He lived *by the faith* of the Son of God. By confiding in him, by looking to him for strength.

It is by faith alone we are joined to Christ crucified. "And this is the victory that overcometh the world, even our faith."

Never could he have said of himself—"I am crucified with

Christ"—had he not believed in him ; and believing in him, his strength was equal to the day.

Here is consolation. You are asking, perhaps, as you are thinking upon the question, what must I do to be saved ? and hear the reply of Jesus, as he gave it to the young ruler—" Follow me ;" how can I do this ?—I am weak, I am tempted. Ease, honor, wealth, friends, home—they all conspire to keep me from becoming a disciple.—If to-day, I come to the Lord's side, shall I not soon dishonor my profession ?

" Do this," said Jesus, pointing to the bread and wine, as he gave it to his disciples, in remembrance of Me. But a father's command ; a husband's displeasure ; a mother's feeling, stand between me and this table.

We have said, here is consolation to one thus enquiring, and thus agitated by conflicting emotions ; consolation in the great truth, that the life which you are required to live in the flesh, can be lived by faith in the Son of God. In this was the triumph of Paul. And there have been, and are triumphs of faith equal to his :—It is said to you, live this life, not by your own strength, but by the strength of faith, which is the strength of the Son of God.

But the comfort of a comforting hope, you can get in no other way. Jesus will not let you hope with a hope, which shall be an anchor to the soul, both sure and stedfast, while you are so distrustful of Him that you venture not to take him at his word.

It was the Son of God who loved Paul and gave himself for him. " For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him, should not perish, but have everlasting life." The appeal of the love of Christ is

as truly and as much to every sinner, as it was to Paul. There is not a hint in the Scriptures that can suggest the apprehension to any sinner that the Saviour did not give himself to death for him.

There is not the remotest allusion to any class of sinners for whom the Son of God did not die, though there are many references to classes for whom he died in vain ! There is no text of Scripture that expresses the sentiment that Jesus did not die for every man.

The class of passages which assert that He died for "his sheep," and that he gave himself for "his Church," do not at all exclude others. Such passages only point out the actual result of his death, and not its design and aspect and adaptation. This is truth, that Christ tasted death for every man ; therefore every man can say, and ought to believe, that the Redeemer died for him. He can use the language of Paul—"who loved me, and gave himself for me ;" for the Saviour died for all, that they which live should not henceforth live unto themselves, but unto Him who died for them.

It is this appeal of the love of Christ, the love evinced by the blood shed on Calvary for every man, which is to-day made, as it has been of long time made, to every impenitent sinner.

It is this appeal of the love of God, who spared not his own Son but delivered him up for us all, which is brought to the door of every heart, and waits at that door, for the decision which admits or excludes the Saviour.

We have only to add, when we view the matter in this aspect, the guilt of a sinful life, as well as of a sinful death, is evident.

Sinful men ask, wherein is the guilt in living as we do?—Wherein is the guilt of not believing in the only begotten Son of God?—The guilt consists in the great fact that life after the flesh is a life of transgression of the holy law of God. The guilt consists in neglecting “so great salvation”—the basis of the appeal of which to your heart is that of love.

You grant that such is the nature of this appeal that it is of more avail with you than any other appeal can be ; it is so in the things of this world. Let the word of admonition, or reproof, or entreaty fall upon your ear from the lips of one who has given evidence of love for you which you cannot gainsay and you are affected ;—you promise amendment. But, why so insensible to the appeal of the Saviour, who has given the strongest possible proof of his love for your soul? This is guilt unparalleled.

Neglector of the cross of Christ, you will see it to be such guilt in the world to which you are hastening. In the world to come, nothing will intervene to hide from your view the vast dimensions of the guilt which accrued from rejecting the atonement of the Son of God. We would that to-day, the appeal of a Saviour's love might be effectual, that you may say in the language of Paul—

“I am crucified with Christ : nevertheless, I live ; yet not I, but Christ liveth in me ; and the life which I now live in the flesh, I live by the faith of the Son of God, who loved me and gave himself for me.”

S E R M O N

Preached at Portland, Me., June 27, 1855,

Before the Maine Missionary Society, at its Anniversary.

“And this I do for the Gospel’s sake, that I might be partaker thereof with you.”—1 COR. ix. 23.

MAN’S life begins in action ; in the action of the lungs and heart, the opening of the valves, the circulation of life’s current in every part of the system, and in the exercise of the mental faculties. For, who can show that the mind of the infant is inactive ? Who believes that it has not its field of observation and thought, into which it enters at once on its discoveries—the circle of which in continuation enlarges its circumference ?

Life, with all its energies, its intellectual and moral and physical powers, does, and must, have an object, for the sake of which it is spent. Most deplorably ignoble would life be, were it otherwise. With every man there is a “*this*,” which he is doing as the means to an end. And it becomes the chief subject of his thoughts, concentrating his energies ; it is the development of the decision to which he has come, fixing the course of his activity, in which his deeds will make for them-

selves a channel, broad and deep, to the judgment of "the quick and the dead."

It was so with the Apostle, for he wrote to the Corinthians : " And *this* I do for the Gospel's sake, that I might be partaker thereof with you."

The text naturally leads us to consider : The *Course* of the Apostle ; the *Cause* for which such was his course ; and the *Reason* which he gave for his course.

I. The Course of Paul. " This I do," he said. And what was it he did ?

There is a synoptical view of the ninth chapter of the first of Corinthians, from which we get aid in this inquiry. Analyzed, we find the chapter to be a record of rights which Paul claims for himself and his fellow Apostles, and in a way which shows that *he* thought the Corinthians to be harboring unwarrantable inferences in questioning these rights. His right to maintenance, with whatever family he had, at the expense of those among whom he labored ; his right to forbear manual labor, as did some of the Apostles. And still, it is a record of his waiving these rights.

It is the Apostle's declaration of freedom from any obligation by which his fellow men could demand that he should be the servant of men for their conversion, with the assertion that he enslaved himself to all, complied with the rites and customs of both Jews and Gentiles to the extent of accommodating himself in all things to all men, that he might by all means save some.

Have we not here the *positive* in the life of the Apostle, within which was his entire course for the Gospel's sake ; excluding, on the one hand, everything that was incompatible

with his purpose, and including, on the other, everything that could be made subservient to it ?

Was he of rich intellectual culture, and of ample means to indulge his literary taste ; in judicial knowledge not a novice ; of singularly untarnished reputation, and in his religion an approved zealot ? Did he desire to go, too, from the school of Gamaliel to the title and office of a doctor of the law, and “ to be an eminent member of that theological party, to which so many of the Jews were looking for the preservation of their national life, and the existence of their national creed ? ” And surrounded by influential friends, and distinguished for the ardor with which he prosecuted his design of exterminating the infant Christian Church, was he rapidly gaining the goal for which he aimed ? The knowledge which he had intensely sought, he eagerly abandoned as he came into the light which beamed from the mountains of Judea, eclipsing all that ever shone from Olympus or Parnassus.

The religion in which he was nurtured, and which he conscientiously believed, he renounced ; and this renunciation involved self-excision from Jewish kindred and society and church, and from the literature, science, and philosophy of his sphere. And the work on which Paul entered, was that of preaching the doctrines of the despised one of Nazareth, who was mocked and crucified at Jerusalem, who died and was buried—to spend his life with all his powers, to know nothing but to do everything in the face of all obstacles, until seas were crossed and continents traversed, and every kingdom leavened with the glad tidings of Christ. In his Second Epistle to the Corinthians, he graphically, with his customary brevity, shows what were the obstacles, and perils, he surmounted.

And, moreover, there was his labor for daily bread during his Apostleship, insomuch that his hands were scarred with the toil of years when he held them to the views of the elders at Miletus. And to the Thessalonians he wrote, as he might have written to all the churches, "ye remember, brethren, our labor and travail : for laboring night and day, because we would not be chargeable unto any of you, we preached unto you the Gospel of God."

The world crucified unto him, and he unto the world ; he crucified with Christ, that he might live the life which, as an Apostle, he lived in the flesh. How comprehensive, therefore, is the meaning of the words "*this I do*," as they come from the Apostle of the Gentiles.

"*This I do*," was his *life* of renunciation—excision—consecration—crucifixion, "for the Gospel's sake."

II. The *Cause* for the sake of which such was the course of the Apostle.

"This I do, for *the Gospel's sake*."

We remark—It was a cause of the greatest *moral* dignity.

The cause is comprehended in the name of Jesus, which Paul was to bear "before the Gentiles, and Kings, and the children of Israel," as the alone "name under Heaven, given among men, whereby we must be saved."

The cause "of the Gospel of the Grace of God,"—the salvation of souls, and the conversion of the *world* by God's grace, through our Lord Jesus Christ. It is impossible to conceive of another cause which, from its nature, is invested with such a measure of moral dignity ; since in this respect it luminously, and immeasurably, transcends every other.

The progress and consummation of many another cause may

be attended with good to the bodies and souls of men ; but it must infinitely fail of doing for *either* what the Gospel, in its achievements, does for *both* ; for, by its inherent properties, its scope compasses the good there is in every cause.

The Gospel begins its work for the good of mankind, where no other cause, having in view the welfare of man, begins its work,—at *the heart*, to new create it, that from henceforth it be the workmanship of God “ created in Christ Jesus unto good works.”

There is contained in the Gospel a system of Moral Science, and Christian Ethics, and Divine Philosophy, which *effectually* works, and is worked by, the peculiar truths which the sacred writers teach respecting our depravity and ruin, our redemption by Christ, and the result of our present conduct in a state of endless retribution.

For a city besieged the problem was once solved, how to rid the nation of its enemies by their universal destruction. But for a *world* conquered by “ the prince of the power of the air,” the problem which the Gospel solves is, how to hurl *this* prince from his throne, and change the enemies of God into his friends,—whether found in the palace or the hovel,—the schools of philosophy and chief places of learning, or in the nurseries of ignorance and superstition,—how to raise them from the depths of sin to the true dignity of manhood and brotherhood on earth, and to the sublimity “ of kings and priests unto God ” in heaven. Such is the nature of every other cause except that of the Gospel, that, benevolent as the cause may be, it can never trace its triumphs into that world, where the everlasting anthem of redemption is sung,—the key notes of which the Gospel alone can give.

We adduce the *nature* of the Gospel, to show that its cause is of the greatest moral dignity.

Again. It was a cause which the Apostle knew to be effectual in its progress.

Even "the power of God and the wisdom of God," "casting down imaginations, and every high thing that exalteth itself against the knowledge of God, and bringing into captivity every thought to the obedience of Christ." It was from Ephesus, that pleasure-loving city in Asia Minor, the most illustrious seat of idolatry in the whole pagan world, Paul wrote to the Corinthians—there, where the worship of idols was intrenched in the hearts of the people, not only by its adaptation to promote every sinful indulgence, but by the learning and wealth which it there concentrated, and by the strength of the civil arm which was around it for its defence. For more than three years had the power of the Gospel, under the preaching of the Apostle, been witnessed in this city, confounding the Jews in the synagogues, and oppressors in the school of Tyrannus, gathering a church, and undermining the temple of Diana ;—unmistakable evidence, this, of its being effectual in its progress. And similar was the evidence of the power of the Gospel, in all the regions through which Paul had passed, and in nearly all the principal cities which he visited, publishing the name of Jesus and salvation by none other. He knew that it was effectual in its operation, and had the trophies of its victories not only in the cities of the Jews, but in the cities of the Gentiles likewise. He had been with Barnabas at Antioch, "the Heathen Queen and Metropolis of the East," and had seen the grace of God, and was glad. With Barnabas he had journeyed on a missionary enterprise to Selucia, Salamis, Paphos, Perga,



binical schools, and be the glory of God's people, Israel. He believed that, through the blood of Christ, they who were far off had been brought near, and both Jews and Gentiles made one, the wall which parted them being taken down ; and, that now the light to lighten the *Gentiles* would shine upon them, to whom, far hence, he was to go, and of whom there would be the seals of his Apostleship. With the eye of faith, the Apostle surveyed the regions through which he was to pass, where so many millions were sitting in the shadow of death, and saw the triumphal progress of the Gospel even to Rome ; and that proud capital of a great pagan empire, yielding to the cross,—a church in the household of Cæsar,—“and her seven hills as the seven golden candlesticks, to send the light of truth abroad.”

“Go ye into all the world, and preach the Gospel to every creature ;” and “lo ! I am with you always, even unto the end of the world.” “And I, if I be lifted up, will draw all men unto me.” “This command and promise which constitute the great missionary charter of the Church for all time, and in which is the sum and theory of all spiritual instrumentality,” being believed by the Apostle, could he question that facilities would be multiplied to diffuse the knowledge of salvation, until the whole world would be filled with “the light of the knowledge of the glory of God in the face of Jesus Christ,” “as the waters cover the sea ?” .

Finally. To this cause—the cause of the Gospel—was justly due the offering which Paul made.

It was in accordance with the spirit of the Gospel that, having been made a subject of its renewing grace, and a partaker of its faith, he should most earnestly desire to be its minister

“according to the gift of the grace of God given unto (him) by the effectual working of His power, and to make all men see what is the fellowship of the mystery, which from the beginning of the world hath been hid in God, who created all things by Jesus Christ, to the intent that now unto the principalities and powers in heavenly places might be known by the *Church*, the manifold wisdom of God.”

This only, on the part of the Apostle, would have been Christ-like.

The cause was the cause of God—who “so *loved the world*, that He gave His only begotten Son, that whosoever believeth in Him, should not perish, but have everlasting life.”

And the cause of him “who, being in the form of God, thought it not robbery to be equal with God ; but made himself of no reputation, and took upon himself the form of a servant, and was made in the likeness of men. And being found in fashion as a man, he humbled himself, and became obedient unto death, even the death of the cross.” It was the cause of Him, who, as the Apostle declares, loved *him*, and gave himself for him. It was the offering of *himself*. “Lord, what wilt thou have *me* to do?” Make me what thou wouldst—use me as thou wilt. My talents, acquirements, property, time, body, soul, life, in all that life can be—from day to day, until life shall end, one continued offering I make to thee.

“Zeal and duty are not slow
But on occasion's forelock watchful wait.”

As it pleased God to make the foolishness of preaching the foremost instrumentality, by which to diffuse the Gospel to the salvation of them that believe—to the Gospel was justly due

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churches, to which he looked for "better things;" though deeply conscious of his weakness, and at times filled with forebodings and fears, knowing not the things which should befall him, save that the Holy Ghost witnessed in every city, that bonds and afflictions were in store for him, and always weary by incessant toil; yet, never was he so greatly in this condition, as not to find in this reason a motive, which made him persistent in his service of Christ, to the frequent hazard of his life, and through the hottest fires of persecution, even to the block of martyrdom. He could recollect the years which he spent in the schools, and all the circumstances which, as they cradled his infancy and nurtured his manhood, gave occasion for the highest expectations, with respect to what he would be and do, for his nation and the Jewish church. All along through his twenty years Apostleship, there were points from which Paul must have looked back to the scenes through which he had passed, and the conflict he had endured, but no expression of regret, in view of his course, fell from his lips, or had place in his heart. In his first, and in his second Roman imprisonment, when most of his earthly friends forsook him, and he foresaw his sentence to death, not a regretful word did he utter. His life had been an eventful one, of exhausting service for the Gospel's sake, for which he was to die, but of which he had no occasion to speak, as it rapidly approached its end, as spoke one of Europe's veteran diplomatists of the results of his life: "Behold eighty-three years past away! What cares! What agitation! What anxieties! What ill-will! What sad complications! And all without other results, except great fatigue of mind and body, and a profound sentiment of discouragement with regard to the future, and disgust with regard to the past!"

By the labors of Paul, the proclamation of the Gospel had been accomplished in full measure, that all the Gentiles might hear. And his last words were of his readiness "to be offered," and of "a crown of righteousness" which he was confident awaited him beyond the grave. Nor in that "crown of righteousness" is all of what is, for what the Apostle did for the Gospel's sake. But, "bequeathing to the Church, in her government and discipline, the legacy of his apostolic labors—leaving his prophetic words to be her living oracles—pouring forth his blood to be the seed of a thousand martyrdoms"—truly *he* could have said, "in the very article of death, with his mind as clear as the setting sun without a cloud, and as luminous too," and with *meaning* in the words—"I yet live!" For, "he being dead yet speaketh," and will speak, until "the heavens shall pass away with a great noise, and the elements shall melt with fervent heat."

There is a practical, personal application of this subject by which it is to be made useful. We come to it in the remark, that the Gospel should be no less with us than it was with the Apostle. Is it not to-day the same glorious Gospel of which *he* was a preacher—to be preached with like glorious results? The same Gospel now as then, and to achieve like victories? Truly, to the Gospel all principalities are to come down, even the crown of *their* glory; for by its "Christ, the power of God and the wisdom of God," the reign of Israel's Redeemer is to extend from sea to sea and from pole to pole. The claims of the Gospel upon *us* can be no less than they were upon the Apostle. We should be as willing to be wholly used for its advancement as was Paul. "A good minister of Jesus Christ" feels the authority of these claims; therefore he is such for the

Gospel's sake. Free from all men, yet does he make himself servant unto all, that he may gain the more. And far better would it be that that man should be out of the ministry, than in its calling, who cannot say with the Apostle, "Woe is unto me, if I preach not the Gospel."

And every sacrifice to preach the Gospel has its example in Paul.

What though the cost to its minister be the relinquishment of all he counted gain? What though to continue in the ministry he is forced to labor with his own hands, or to lack things needful for himself and for those whose interests are entrusted to his care? What though the measure of his life is filled with cares and perplexities, and shortened too, if it must be, to preach the Gospel of the grace of God? Come what will, and come what may, in fulfilling his ministry, before him in the path was Paul, who, of "the hope of the Gospel," wrote to the Colossians: "Whereof I Paul am made a minister; who now rejoice in my sufferings for you, and fill up that which is behind of the afflictions of Christ in my flesh for his body's sake, which is the Church."

We have heard it said in a censorious spirit, the tendency of ministers at this day is, to secularization. The complaint is that some of this holy calling combine with it another, and do not give themselves wholly to their appropriate work; as though they did this of choice, and were not compelled to it by the meagre living which is given them by those unto whom they have sown spiritual things; as though it were not with painful reluctance they engaged in any other work, for a day or an hour, than that of performing the duties of the office in which their whole soul is wrapped up, to obtain the means of

subsistence, which all their fidelity in the ministry has never brought to them from those who, in justice, should have provided these means for their pastor. Verily, it has come to pass that if ministers give themselves wholly to the functions of their office, and have not a sufficiency for themselves and families, the question is asked with much astonishment, Why do they continue in the ministry, to the omission of the Christian duty of providing for their own, and their own house? But, if from a people whose society-support of their minister gives him not enough to fulfill this manifest duty, he goes to another people of more means, or more willing to have him "live of the Gospel," then the exclamation of some is: "O, we see how it is; though they are the ministers of Him who was anointed to preach the Gospel to the poor, yet how unlike the Saviour! they do not remain to preach it, and suffer with the poor, but go to bear it to the rich, or where they will get more of the things of this world."

Now, we hold that that minister is but following in the footsteps of Paul in sacrifice and suffering, who, conscious that he is called to be a preacher of the Gospel, remains in his calling, though at the cost, if necessity requires it, of daily labor in some avocation for daily bread, that he may preach the Gospel. And although in this course there is a hardness which churches, we are sure, do not lay upon their ministers without the displeasure of God, in his withdrawal or withholding of some blessing, still it is comforting to such ministers to know that there was a workshop in Corinth, where Paul made tents, by reason of the necessity that was put upon him, and at the same time preached the Gospel to the Corinthians—nor was he for that reason any the less an ambassador of heaven.

And we may learn from this subject, that the well-sustained office of the Gospel minister has distinguished honor, as well as signal labor, and great reward. It is God's ordinance, and gloriously has he owned and honored it in the world ; and he will own and honor it while the world lasts. The subject of the minister is Jesus Christ—*his* cross his pulpit—*his* blood his eloquence. Though his preaching the Gospel "may be a poor exhibition of a rich subject, still the call of God is in it ; the Saviour is in it ; the promise of the Spirit is in it ; and in it the conversion of souls." I quote the words of Robert Philip : " Even that kind of preaching which never won applause by its eloquence, nor kindled public curiosity by its flame, has made Britain and America whatever they are, as holy nations, and much of what they are as free and powerful nations. * * *

And a great majority both of the dead in Christ, and of the living in Jerusalem, were won to Christ, not by the giants of genius or erudition, but by the watchfulness and fidelity of *hard-working* pastors. The claims of the pulpit do not, therefore, rest upon the memory of its brightest ornaments. They rest far more upon the memory of its countless converts. Its record is on high. All in heaven who washed their robes in the blood of the Lamb, are the vouchers and the trophies.

"The pulpit—the *ordinary* pulpit—has always been the chief means of filling heaven. No other chair of verity can point to the multitudes around the throne, and say—' Behold the children whom God hath given me.'

"The pulpit can say with all truth of all the redeemed amongst men—'all these souls are mine' instrumentally ; whereas it is more than doubtful whether there be *one* soul

in heaven, to whom anything on earth was so useful as preaching."

It is so ; and in the faithful performance of the duties of his office, the Bishop shall both save himself and them that hear him ; and souls rescued from death are " gems brighter by far than ever sparkled on the brow of royalty."

It only remains to be said what the text evidently teaches, that if we speed not the preaching of the Gospel for the Gospel's sake, we lack evidence that we are partakers of its benefits with those who preach it. For the text is the same as if the Apostle had said that you, Corinthians, may give evidence that you are partakers of the Gospel by your endeavors to diffuse its light and to give it abundant success. And now, that I likewise may afford evidence of my discipleship, and that I share with you in its present and future benefits, " this I do"—such is my life, " for the Gospel's sake."

As in the Church there are " many members in one body and all members have not the same office," we do not say that all are to give themselves to the work of the ministry. But what we do say is, that all are to speed the preaching of the Gospel to every creature, by helping those who are " the called " to the work, *into*, and helping them *in*, the field ; and that if we do not this, we are wanting in scriptural evidence that we have been new created by the Gospel, the workmanship of God unto *good works*. For how shall men hear the Gospel without a preacher ? " and how shall they preach, except they be sent ?" and how shall they be sent, except those who are all indebted to the Gospel feel the force of their obligations to send everywhere its preachers, and support them in fulfilling their commission ?

Through the Maine Missionary Society, we have now, as we have had, opportunity to further the Gospel in its progress, by aiding some of its ministers to preach it, where God has placed them in the field, and others to proclaim its truths whithersoever His providence shall direct. These ministers are not beggars for our alms. No preacher of the Gospel is of this class. He is a "servant of Jesus Christ," and "is worthy of his hire" from those who are blessed by his service, even as he gives them the opportunity of sending the Gospel to those who have it not. These missionaries are faithful, but *straightened* servants of God, it may be, for they are of the class of which an eminent statesman, whose words did not exceed his knowledge, said in the most august tribunal of this nation :

"I take it upon myself to say that in no country in the world, upon either continent, can there be found a body of ministers of the Gospel, who perform so much service to man, in such a full spirit of self-denial, under so little encouragement from government of any kind, and under circumstances always much straightened, and often distressed, as the ministers of the Gospel in the United States, of all denominations."

There is no ground of apprehension, however large may be your contribution, that any of these ministers will commit the offence, for which the Rev. E. Irving said he would be ashamed of a minister :

"Oh ! if thou grow rich—oh ! if thou shouldst die rich, I will be ashamed of thee."

It is true of them that the cloak and parchments, *i. e.*, their decent apparel and their books—these are their riches. They

are living illustrations in America, of what Dr. Irving meant when he gave it in charge to Mr. McLeon :

“Brother : If God should bless thee with a wife and children, put no money in the bank for them, but write prayers in the word of the Book of Life. Be this thy Bank of Faith ; be this thy Exchange—even the Providence of God, and let the Lords of the Treasury be the Prophets and Apostles who went before thee. Go thou out as poor a man as thou comest in, and let the living bury thee when thou diest.”

Therefore, shew ye to these ministers, “and before the Churches, the proof of your love” for your country and for Jesus Christ, by a ready and Gospel-apportioned contribution of your silver and gold “for the Gospel’s sake”—the more widely to diffuse, through their instrumentality, a saving knowledge of the Redeemer of lost Men. •

S E R M O N

Preached at Rockland, March 26, 1864.

“What lack I yet?”—MATT. xix. and a part of the 20th verse.

THE Saviour had just laid his hands on little children and blessed them, thus evincing the comprehensiveness of his sympathy, and his acceptance of any token of regard, which is commensurate with the ability of him who offers it; and he was leaving the hallowed spot, to pursue his work of mercy. But he cannot at once depart. True, the crowd by which he was surrounded begins to disperse, but it was only to open the way for one who was hurriedly approaching, to put to the Saviour that question of deepest interest: “Good Master, what good thing shall I do, that I may have eternal life?” And the good Master graciously answered this question. But why another question from the lips of the young ruler? “What lack I yet?” And why this question after the Saviour had said, “If thou wilt enter into life, keep the commandments?” Was it because he felt that he lacked nothing to have eternal life? Or was it because there was still the feeling that he lacked something more than he already possessed, to fit him for

the kingdom of heaven? If the former, it was on the ground that he had already attained what was required. If the latter, it goes to show that, notwithstanding the highest moral attainments, there may be the conviction that something more is needed to afford an entrance into the kingdom of God.

Let me, then, of every person of this assembly enquire, as you ask the question, "What lack I yet to have eternal life?" do you ask it, feeling that you lack nothing?

Perhaps you do not profess to be a Christian; some such there are of those who hear me. And do you propound the question, feeling that you lack no one thing to enter heaven? You at least, then, have been characterized for your strict honesty, your high-toned morality, from your childhood. You early formed, and have retained, the habit of prayer; you have obeyed all the second table of the law, or you have not reached the point to which he attained, or thought he had attained, who first asked, "What lack I yet to have eternal life?" For, hear what he said, "All these things have I kept from my youth up."

What things? The things comprehended in obedience to the commandments: Thou shalt not kill. Thou shalt not commit adultery. Thou shalt not steal. Thou shalt not bear false witness against thy neighbor. "I have honored my father and mother. I have loved my neighbor as myself."

If you do not come up to this mark; if you come short in a single particular; if there has been one act of disobedience to a single requirement of the sacred table of the law, how, then, can you feel that you lack nothing to enter heaven? And let it be remarked here, no one can plead before God that he has kept all His law except in one point. Observe, we begin

just where the only man in the days of the Saviour, of whom we have any knowledge, began with his specification of the good things he had done, and on the ground of which he supposed he had kept the commandments, and had a claim for eternal life. If he had not done these good things, he would by no means have supposed himself fit for heaven. Certainly, therefore, no one who falls below this standard, should feel that he lacks nothing to have eternal life. But let us suppose that he comes up to this standard in the overt act—that is, there has been no transgression of the letter of the law. What then? Have we never read the Saviour's interpretation of the law, whereby he shows that the commandments are not obeyed by refraining from the external acts merely which they prohibit? The Pharisees explained the commandments as extending only to the external act. No, says the Saviour, they go beyond this. So exceeding strict and broad is the law, that our very thoughts and feelings, if contrary to the law, is the transgression of the law, though they may be forever concealed from the world. Where the sinful desire is approved, the sin is committed, so far as the heart is concerned; nothing is wanting but opportunity for that overt act which is but the further development of sin.

We come to the spirit, and not to the letter only of the second table of the law. Honor thy father and mother. Thou shalt not kill. Thou shalt not commit adultery. Thou shalt not steal. Thou shalt not bear false witness against thy neighbor. Thou shalt not covet thy neighbor's house; thou shalt not covet thy neighbor's wife, nor his man-servant, nor his maid-servant, nor his ox, nor his ass, nor anything that is thy neighbor's. These commandments I have obeyed, say you, and

what lack I yet? What! obeyed them in spirit, as well as in letter? Have never offended in one point? Open now the book of recollection, and let conscience do its perfect work. We plead for the review of a single day—not of days and weeks. And if you cannot say, all these have I kept for a single day, how can you say, all these have I kept from my childhood up?

But there is a first table of the law, likewise. Mark this. It is comprehended in the reply of the Saviour to the question, "Master, which is the great commandment in the law?" Jesus said, "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind." The first commandment in the moral code of the Bible is a requisition for God, not for man. God stands first. For him is claimed the throne of the heart. "My son, give me thy heart."

Now, if God has not the throne of your heart—if he has not always had your heart—can you ask, What lack I yet to enter heaven? and feel that you lack nothing? What though you had kept the second table of the law, and performed the duties which you owe to your fellow-creatures, still there would have been no genuine obedience to these precepts of the second table, only as you had first complied with the first and great commandment—given your heart to God. To be obedience, there must be first the love of God in the heart. There must be the keeping of the commandments from the principle of love. And you have kept the second table of the law, then, because you have kept the first—always kept it, from your childhood up? Then you may feel that you lack nothing to inherit the kingdom of God.

But let us recur to the statement that, notwithstanding the

highest moral attainments—for we make a distinction between moral and religious attainments, the latter always comprehending the former, but the former, as the world defines morality, not comprehending the latter—that, notwithstanding the highest moral attainments, there may be the conviction, indeed some have been conscious of it, that something more is needful to have eternal life. Why sits that man alone, dejected, thoughtful, anxious? Why does he not repair to his work-shop, or counting-room, or mingle with the throng on change? What has taken place that gives him a very different appearance to-day from what he had yesterday? Has he been guilty of some heinous offence in the eye of the civil law? Not at all. Observe the man. You know him. He is your neighbor—your friend. You recognize in him a man for whom you have the greatest respect and esteem, for his moral attainments. A man of integrity—chaste and sober in his habits of life—amiable in his domestic relations—truthful, and faithful in every trust—generous in his disposition and practice.

Speak to him, and, all-absorbed in thought, his reply is—What lack I yet to have eternal life? What must I do to be saved? You are astonished at the question from his lips. What! your thoughts are, this man, of such high moral attainments, asking what he must do to enter the kingdom of heaven? It is so.

But go nearer; speak farther with him. You find him as a man standing on the verge of a precipice, well aware of his danger, and solicitous to make good his escape. What has happened? Ah! the law of God has come to him in a light in which he never saw it before—the law of God in its spirituality and comprehensiveness. Righteousness has been laid to

the line and judgment to the plummet. The sounding line has been given him, and he has sounded for this good deed and that, but the lead has reached not one act of his life under which there laid the love of God as its moving cause. He has sounded, and the lead has revealed a sinfulness—a depravity—from which he had supposed himself to be many leagues off. He has sounded, and lo ! the discovery. He thought himself sailing in the channel of good deeds prosperously on to heaven, having failed to understand the compass of the law ; but now, by the chart of God's Word, he finds he has been nearing hell !

The law ! the law ! He was alive without it, without understanding it, and thus supposing he was fulfilling it ; he was alive without it once, but when the commandment came, came before him, was applied to his heart and conscience, in all its height, and depth, and length, and breadth, he discovered the deficiency in all works of the law, by which deficiency there was the reasonable conviction fastened upon his mind, that he lacked something more than the highest moral attainments to have eternal life.

Such instances have occurred ; by the grace of God, they will still be found. Do not suppose one must have violated every precept of the decalogue by an *overt* act, before he can be convinced of sin ; just as though one might be too far up on the scale of moral attainments to be a sinner ; just as though his morality might exempt him from being “born again,” to see “the kingdom of God.” What lack I yet to inherit eternal life ? And do you feel that you lack nothing ? Then it is not because it is actually the case that there is nothing which you lack. This, we think, has been shown. But suppose that you are not convinced that you lack something in order to be

saved? Your want of conviction, we allege, proceeds from this source. There has been no spiritual application of the divine law to your heart, or your goodness you would regard as reprobate silver.

Lack nothing! O dreamer of heaven in the imagined security of it by your moral character alone! do you not lack everything that you may be able to enter in? Repentance, faith in our Lord Jesus Christ, obedience—in a word, godliness, that which is entitled to the precedence of all the virtues? Nay more, that which ought to preside over them all, and to infuse its spirit into them all, and without which they are destitute of the very first principle of true morality.

There is a question suggested just here, which we should do well to ponder. It may help to show us some of the radical mistakes which are so prevalent, that there is reason to believe there are few who are free from them, and under which there are many who are fatally deceiving themselves. How is it that the violation of the greatest of all obligations, is not considered by men as the greatest of all wickedness?

What is the greatest of all obligations? Where does it stand? At the head of the first table of the law. It is to love the Lord thy God with all thy heart, with all thy soul, with all thy strength, with all thy mind. Has the everlasting God no dues? Is not reverence his due? Is not love his due? Is not worship his due? Is not obedience his due? Is not the greatest of all the commandments to have the precedence?

But how is this? Almost by common consent there is no hesitation in saying, he is a wicked man who flagrantly infringes on the rights of his fellow-man, and breaks the second table of the law. He bears false witness; he fails to give his

fellow-men their dues ; and he is regarded as a flagrant transgressor. But refraining from these things, his offence is, having another god before the true God ; withholding from God the reverence and obedience which are his due ; not loving God ; and by the standard of man, he is not so much a transgressor as to be esteemed very wicked.

Thus by man's standard of morality, to God is given a secondary station, and to man the first. First, duty as it relates to our fellow-men ; and second, if at all, the duties which we owe to God, by reason of what He is, and the relation He sustains to us. Let it be repeated : the law of God, as he himself has promulgated it, places Him first, and that not merely because the obligation to God is the first that binds the creature, but because in this obligation to God all other obligations originate ; they depend upon it ; they are comprehended in it. It is as His precepts the commands of the second table must be obeyed ; if, then, they are obeyed at all, it is because we comply with them from regard to His authority, or, in other words, from love to Him. This alone is obedience. Who, then, are the wicked ? and whom does this class comprehend, according to the line of demarcation given us in the Scriptures, between the two great classes of men into which, in the Bible, the whole race is divided ?

Not those alone, is the reply, who break the second table of the law, by infractions of relative obligation between man and man ; but those, likewise, who, notwithstanding they commend the second table, and do not murder, do not steal, do not commit adultery, do not covet, do not bear false witness, disregard, nevertheless, the precepts of the first, and withhold from God the heart, the conscience, the obedience, the active service.

It has been said by one of the most eminent ethical writers of the age, that, "Irreligion and moral principle cannot exist together in the same bosom ; for irreligion is the rejection of that authority in which all moral obligation has its origin ; and to live without God, is necessarily to live without virtue." Since Jesus said of the two requirements, love to God and love to our neighbor, "On these two commandments hang all the law and the prophets," to constitute true morality, must not the two be united ?

After all, is that deserving of the name of true morality, which—if such a thing can be—comprehends in our conduct obedience to the second commandment, and disobedience to the first ? Can obedience to the second be morality, without obedience to the first ? True, there are those—you meet with them in your every-day walk—who commend the second precept, and allege their obedience to it, while they disregard, confessedly disregard, the first. They will warmly eulogize the beautiful morality of the Scriptures, when they sum up our duty in loving our neighbor as ourselves, and doing to others as we would that others should do to us. Yet, what would such men say to us, were we to affirm that the precept of love to God might be satisfactorily fulfilled without obedience to the second commandment, love to our neighbor ? That a man might duly love God without loving his neighbor, and do his duty to God without doing his duty to his neighbor ? Would they not, and with good reason, scoff at such religion, and tell us at once, in language most emphatic, that there can be no religion without morality ? We grant it. There is, there can be, no religion without morality. Such religion is vain.

But if the first precept cannot be fulfilled separately from the

second, on the other hand, the second cannot be fulfilled separately from the first. If we cannot love God without loving our neighbor, neither can we duly love our neighbor without loving God ; if love to God wants its *proper evidence* without love to our neighbor—love to our neighbor wants its *proper principle* without love to God. Truly no position can be more unreasonable than the position that there may be morality—genuine morality—without religion, while there can be no religion without morality ; since such a position is the allegation that the lower obligation may be complied with, without the higher, though the higher cannot be fulfilled without the lower ; that the love commended towards our fellow-creatures may be duly and sufficiently exercised, without any love to Him by whom the command is given, and in whose character and authority the obligation to render it originates. Hence the utter worthlessness, as the means of salvation, of all that goes in the world *as morality*—that something which does not include obedience to the first and great commandment. Hence our common need of the atonement which was made by the Son of God. We are unholy ; we do not possess godliness, however much we have respect to the duties we owe our fellow-men, if we do not love God. As unholy, we fall on that side of the line on which the unholy, be their specific sins what they may, are found.

But—glorious truth !—the sufficiency of Christ meets our insufficiency. The law is our schoolmaster to bring us to Christ. “For there is verily a disannulling of the commandment going before, for the weakness and unprofitableness thereof. For the law made nothing perfect, but the bringing in of a better hope did ; by the which we draw nigh unto

God." (Heb. vii. 18, 19.) Christ hath given himself an offering for us. Let us, therefore, walk *in love*.

Love will sanctify our morality. Love is religion, without which there is no Gospel morality.

If we be in Christ, we lack nothing to have eternal life. While the wages of sin is death, the gift of God is eternal life, through Jesus Christ our Lord. Who are free from condemnation? This is the answer of the Apostle: "There is therefore now no condemnation to them which are in Christ Jesus, who walk not after the flesh, but after the spirit. For the law of the spirit of life in Christ Jesus hath made me free from the law of sin and death. For what the law could not do, in that it was weak through the flesh, God, sending his own Son in the likeness of sinful flesh, and for sin, condemned sin in the flesh, that the righteousness of the law might be fulfilled in us, who walk not after the flesh, but after the spirit." (Rom. viii. 1-4.)





L E C T U R E .

SLAVERY EXAMINED.

*Delivered before the Anti-Slavery Society at East
Minor, Me., Sept. 28, 1836.*

THERE is one difficulty, at this day, attending the preparation of an address on the subject of slavery, not so easily surmounted. It does not consist in any attempt to trammel free discussion in these States, which, at the first glance, might seem to render it necessary that the speaker should have a special care lest he should utter something particularly displeasing to the "ears fastidious" of these self-constituted guardians of the public weal, and thereby expose himself, and the Society which he addresses, to the manifestation of their displeasure. It does not consist in any unwillingness of the people to hear the subject discussed, unless they can be assured that the speaker shall advance no sentiments at variance with their own; neither does it consist in the fear of any injury to the

reputation, or any opprobrious epithet which may be applied to him who has the privilege and the honor of declaring his sentiments before an assembly of his fellow-men, on this deeply interesting theme. In what, then, does it consist? It is, my friends, the difficulty of determining where to begin, what points to take up, and where to stop, in the discussion of a subject on which so much can be said, and which carries so many collateral questions in its train, as that of immediate and total abolition. But surmount this difficulty, and

" 'Ere begun,
One half his labor's done."

It is an obstacle which I have found no little difficulty to overcome ; and had I not promised to myself much on the score of the kindlier feelings, the forbearance, the patience, the sympathy of the audience I now address, should I fail either in a proper selection on the several points mentioned, or in the discussion of any question to which I may call your attention, I could not have consented to appear before you. I do not mean this as a passing compliment. My inexperience in addressing public and promiscuous assemblies, on any topic ; the responsibility resting on him who is called upon to speak on a subject of vital importance to the well-being of his country and fellow-men ; and a *feeling* of the well-known fact that there are hosts of men, yea, strong and mighty men in this contest of right against wrong, some one of whom might have addressed you with far more glowing lips and thrilling words ; with far more power to advance, and far greater success in advancing, the *great cause*, and with far more satisfaction to yourselves also. I repeat it : feeling this well known fact, it becomes me to speak with circumspection, modesty and respect, and to ask

something at your hands, should I fail to meet your expectations.

I shall not stop to argue the *wrong* of slavery. It is a sin, an evil—physical, political, moral and religious evil. Its existence in these United States is a sin, and an evil, opposed to the best interests and harmony of the Union. I must ask leave to assume this point as granted. It may be pronounced as mere assertion, without a shadow of proof, or the least foundation, beyond the pale of the free States ; and you may be denounced as men without reason, because to its truth you yield your assent. Be this as it may, it is of very little consequence. And though it does seem in the estimation of him who is of authority in a sister State, that “ no human institution is more manifestly consistent with the will of God than domestic slavery ; though in the Senate of the United States it should be a complaint against Northern petitioners against the existence of slavery, that they speak of it, and treat of it as unjust, wicked and diabolical,” (as if it were not, as if all this were not true of it) ; though it might be well to review the reasoning by which we have come to this conclusion, when agrarian anarchy, or military despotism, we are told, will be the result, unless Northern laborers are made slaves ; yet, notwithstanding all this, I cannot conceive it necessary, in my humble estimation, before an enlightened audience of New England, in this the sixty-first year of American independence, to commence an address on the subject of slavery by proving the assertion that slavery is *wrong*. Worse than time wasted would it be, when in the face of that ennobling, heaven-like, “self-evident truth,” though twice immortalized it be, by the never to be forgotten and humiliating fact that, coeval with its pro-

mulgation, as the declaration of a free people, recommenced, under the protection of law, the existence of a system at utter variance with its truth, and which stamped hypocrisy on the hearts and falsehood on the lips of the people who gave it their sanction !

No, men ! To argue this "self-evident truth," would be an insult to your moral perception, to your common sense, to your rank as enlightened politicians. Lest peradventure, there should be one, however, who doubts as to the correctness of the sentiment in all its length and breadth, such an one I would point to higher authority, that the doubter might no longer doubt. Go to the Bible ! Read it, study it, pray over it ; take but a single text from it : "Thou shall love thy neighbor as thyself," and see if it be consistent with American slavery. Surely the spirit of the Gospel, the teachings of the blessed Jesus, were against oppression !

Go to the Common Law. Blackstone's Commentary, Int. sect. sec., thus reads : "Those rights which God and nature have established, and which are therefore called natural rights, such as life and liberty, need not the aid of human laws, to be more effectually vested in every man than they are. Neither do they receive any additional strength when declared by the municipal laws to be inviolable. On the contrary, no human legislation has power to abridge or destroy them, unless the owner himself commits some act that amounts to forfeiture." Let me refer you to Chancellor Fortescue, whose knowledge of Common Law, whose integrity and wisdom, were surpassed by no man of his time. Mark, with what decisive language he condemns any law which supports slavery. "The law, therefore, which supports slavery, and opposes liberty, must neces-

sarily be condemned as cruel ; for every feeling of human nature advocates liberty. Slavery is introduced through human wickedness ; but God advocates liberty by the nature which he has given to man. Wherefore, liberty torn from man, always seeks to return to him ; and it is the same with everything which is deprived of its native freedom. On this account it is, that the man who does not favor liberty, must be regarded as impious and cruel ; and hence the English law always favors liberty." Read the history of our country ; mark its *present* condition, and tell me if it be not a political evil ! Read the history of slavery and the Church, and judge if it be not a moral and religious evil !

All anti-slavery societies, as the term is now used, have for their object the immediate abolition of slavery. They propose that the slaves be *immediately* set *free*. But the enquiry at once presents itself, What is here meant by the term *free*? To have this question answered, requires a knowledge of the present condition of those who are in bonds, and this information is to be obtained in the same manner that all our information in respect to the condition of any other people is to be obtained, where they do not reside within our immediate vicinity. We turn to authentic sources for information. What, for instance, are the laws by which the slaves are governed, and to which they are amenable? The authentic source, in this case, is the *statute books* of the respective States in which slavery exists. Here we shall surely obtain correct information. In answer to the question proposed, let us examine the more conspicuous slave-laws of the several slave-holding States.

I. As respects their labor.

With the exception of the codes of Georgia, South Carolina,

Louisiana and Mississippi, the laws are silent on this matter. A law making it a finable offence in the sum of ten shillings, is contained in the Georgia code, to prevent the master from the exaction of slave labor on the Lord's day. There is a law in the Mississippi code to the same effect, making it a finable offence of two dollars. Fine and imprisonment, at the discretion of the Court, are inflicted on him who, *upon sufficient information*, shall be convicted of requiring greater labor from a slave than he is able to perform, &c. (Georgia code, Act of 1817.)

Note the sentence, "upon sufficient information," for I shall have occasion to refer to it again, to explain its meaning. In 1740, South Carolina passed a law restrictive of the master's power in the exaction of labor from the slave, because, as set forth in the preamble, "Many owners of slaves, and others who have the care, management, and over-seeing of slaves, do confine them so closely to hard labor, that they have not sufficient time for natural rest." And what is it thought is the provision of this law, and how far does it serve to curb the avaricious spirit of the master? This law makes it a finable offence to exact more than *fifteen* hours labor out of the twenty-four! Louisiana has a law making provision for the *time* that shall be allowed the slave to take his food. Up to the year of 1827, these were the only laws regulating the labor of slaves in the States above mentioned; nor did any law on this subject exist in any of the other slave States up to this period. Whether the above laws have been repealed since 1827, and new ones made, or whether the other States have made any law regulating the number of hours in which labor may be exacted from the slave, I know not. If they have, may they have more of mercy in them than those now known to us,

or the hardships of the slave are but little mitigated. Compare, if you please, the law regulating the labor of slaves with the laws regulating the labor of convicted felons confined in the penitentiaries and State prisons, and sentenced to hard labor. I think no law can be found which exacts from the convict more than ten hours hard labor out of the twenty-four. Let it be asked now, whose lot is adjudged to be the most lenient in this respect—the convicted felon's, he who is confined to hard labor in the penitentiary or State's prison, and who has, according to common law, forfeited his liberty—or the slave of South Carolina?

Is there no humiliating lesson to be learned from all this? What cheek does not give the crimson blush? Whose countenance is not fallen, when here he pauses to ask the question: Is this the law of love? Let us throw the mantle of oblivion over the faults of our brethren, when that mantle shall hide a fault repented of and corrected; but, however unpleasant the task, let them be exhibited in noon-day light, when the just correction of the transgressor, or duty to our fellow-men, requires it.

Would that the slave in *reality* had the protection of those laws! But how wholly inoperative, how incapable of being executed in favor of the creature to whom they would *seem* to extend humanity. How completely nugatory are they, when backed by that universal rule of slave law, that the testimony of a colored person, whether bond or free, cannot be received against a white man! How, I ask, can the slave have the protection of any law, in the existence of such a sweeping clause—"Upon sufficient information" being laid before the Grand Jury, the Grand Jury will present the person who

exacts labor from his slave, beyond the number of hours specified by the law ! But who does not know that the master would not be likely to maltreat his slave in the presence of a white man ? And if he should not, let the master abuse him to any extent, in the presence of a colored person only, and sufficient information to cause his presentation by the Grand Jury cannot be obtained.

From an examination of the laws in relation to the condition of the slaves, as regards their labor, we may justly draw this conclusion—that the master may determine the *time* of labor to which the slave shall be subjected.

The almost unlimited power of the master in the corporeal punishment of the slave, presents us with another view of their present condition. I know very well that the life of the slave at least is safe from the authorized violence of the master. And though there has been a time when, in many of the slave States, the murder of a slave was followed by a pecuniary fine only—that time, to the honor of those States, has passed away. Such a law no longer disgraces their statute books, to the just reproach, as it was, of a professedly civilized people ; and the malicious and deliberate murder of a slave is *now* declared in every State to be punishable with death. I cannot forbear to call your attention to the language of the Constitution of Georgia, in relation to the murder of a slave. On the white person who should maliciously dismember or deprive a slave of life, the same punishment would be inflicted as in case the like offence had been committed on a free white person, but with this proviso, unless such death should happen by accident in giving such slave *moderate correction* !

For wilful mutilation, it is fine and imprisonment. Time

will not allow of my making the several quotations from the laws of the slaveholding States, to substantiate the facts in regard to them, which I am about to relate. I can only say, examine the laws, and if I speak not the truth, then mark me as a man not to be believed.

It is a fact—and I will relate it in the concise and pertinent language of George M. Stroud, who has published to the world a sketch of the slave laws of the respective slave States of this Union : a book which, I trust, will ere long be read by every man, woman and child in New England—it is a fact, “ that the master’s power to inflict corporeal punishment to any extent, short of life and limb, is fully sanctioned by law, in *all* the slaveholding States ; that the master, in at least two States, is expressly protected in using the horse-whip and cowskin as instruments for beating his slave ; that he may with entire impunity, in the same States, load his slaves with irons, or subject them to perpetual imprisonment, whenever he may so choose ; that for cruelly scalding, wilfully cutting out the tongue, putting out an eye, and for any other dismemberment, if proved, in South Carolina, a fine of one hundred pounds currency is incurred.” Does not the master have almost unlimited power in inflicting punishment on the person of his slave ? More than this. May we not say unlimited power, when we call to remembrance the law to which I have already alluded, and which I am about to give you as recorded in their statute books. You will at once perceive the extreme difficulty of obtaining sufficient proof to cause the conviction of the master, should he be guilty of breaking one or all of the laws in the commission of the offences against which they provide. There is no species of action against the master, in which the slave can be a party

before their judicial tribunals. A white man alone can give evidence against white men in the Southern courts of law. The evidence of a colored person cannot be taken against a white man. This is the law, without exception or limitation. If this is not conferring absolute power on the master, I respectfully ask, what is? There is not a school-boy who does not perceive the self-evident and legitimate consequences of a law of such a nature. Turn to the *revised* code of Virginia, and there you will read an Act of the Assembly in these words: "Any negro or mulatto, bond or free, shall be a good witness in pleas of the commonwealth, for or against negroes or mulattoes, bond or free; or in civil pleas where free negroes or mulattoes shall *alone* be parties, and in no other cases whatsoever." A similar law exists in Missouri, Mississippi, Kentucky, Alabama, Maryland, North Carolina and Tennessee. It is also an Ohio Act of Assembly, of January 25th, 1827. How protection can be afforded to the life and happiness of the slave, in the existence of a law so cruel, unjust and severe, I leave you to judge.

If you examine the penal codes of the above mentioned States, you will find the slave subject to the punishment of death in more instances than you could have possibly supposed. In Mississippi, there are twelve crimes, the perpetrators of which are punishable by death, whether they be slaves, free negroes, or white persons. For the commission of any one of thirty-eight crimes, the slave in that State is answerable with his life. In Tennessee, the Act of Nov. 8th, 1819, has reduced the number of capital offences, when perpetrated by persons of color, to five. In Missouri, six only, when committed by the slave, are punishable by death. In Kentucky, there are eleven crimes for the commission of which the slave forfeits his life;

four only for which a like punishment is inflicted on the white man. In South Carolina, white persons suffer death for twenty-seven offences ; colored persons for thirty-six. In Georgia, whites are punished capitally for three crimes only ; slaves for nine. Heywood's Manual—being a digest of the laws of North Carolina, in force at the date of its publication in 1818—contains no general penal code. In Virginia, there are three crimes punishable by the death of the offender, whether he be bond or free, white or colored. But in the penal code, there are seventy-one crimes for which slaves receive capital punishment, though for none of these are whites punished in a manner more severe than by imprisonment in the penitentiary.

Tell me, if you can, with what justice do the penal codes of the slaveholding States bear so much more severely upon slaves than upon white persons? Are they not both *men*? Should they not be responsible to the same just and equitable laws? Will they not stand in judgment before the same God, to be judged by the same moral law?

Once more. What is their condition as respects the means afforded them for intellectual, moral and religious improvement? The negro, though a slave, is an accountable, immortal being. And at the *last great day*, with an assembled universe, he will stand in the presence of Him who "hath made of one blood all nations of men," and render an account for the deeds done in the body. Be it remembered, the benefits of education are withholden from the slave. No one can teach him to read or write under the severest penalties. How then shall they be fully instructed in those things which pertain to the eternal interests of man? The Bible—Into the hands of every creature under the face of the whole heaven,

would you give the blessed book? To the slave you can not give it. And if you could, of what possible advantage could it be? To him it must remain a sealed book, a dead letter. In a very cursory manner have I exhibited before you some of the principal laws of the slave-holding States, as they exist either for or against their bondmen of color. I have done this that we might be enabled to judge of their condition, as exhibited to us by the authority of law; those laws which *profess* to regard the best interests of man; and that we might be enabled to define the term *free*, when used by the immediate abolitionist in respect to the slave.

It has not been in my power to inform myself of any of the *now* existing slave laws subsequent to the year of 1827. As Anti-Slavery Societies, it is said, serve only to bind the bound more firmly, and make the chains of the oppressed more galling, if there be any new laws now in operation I can hardly think them more lenient than those which have been quoted. I would let the Statute books speak for themselves. Time would fail me and your patience would be exhausted, should I undertake to exhibit their contents more fully. The *authenticity* and *credibility* of the information we fairly derive from such a source, can not be gainsayed. It *demand*s your credence as reasonable men. I have purposely forborne comment on the several exhibitions of the law on the points mentioned, that you might have the plain, unvarnished truth. And as a jury to try the case of your oppressed countrymen, judge you, from the law and the evidence, if their condition be not almost beyond endurance.

They are personal chattels, liable at all times to be treated as such. They have no legal rights of property in things real

or personal. In *point of law*, whatever they acquire belongs to their masters. They are under the most perfect control of their masters in every respect. They have *absolute* power. At the master's pleasure, he separates husband from wife, parents from children. They come and go at his bidding, with the submission of a dog ; and in reality they possess as few rights as this same quadruped, either as political, physical, moral or religious beings. I speak the truth and lie not. Such is the power of man over his brother ; over a rational, accountable, immortal being—a being who bears the impress of his Maker—"Man the noblest work of God."

Such, my friends, is the *condition* of the people, whom every true-hearted abolitionist proposes to have *immediately* set free.

We are now ready to meet the question, What is here meant by the term *free*? It means that the masters no longer possess the absolute power of determining the *kind* and *degree* and *time* of labor to which the slave shall be subjected. That it shall no longer be at the master's discretion to inflict upon his slave any punishment which he, in *his* wisdom, shall see fit. That the slave shall no longer be holden as property, and liable to treatment as such. We mean by it, that the slave shall have all the privileges and immunities, in our courts of law, that a white person has ; that he be answerable for penal offences to like laws with those of white men and none other ; that the benefits of moral and religious instruction, and of a common education, be no longer withholden from him ; that he receive like protection, in all his rights, with those who differ from him but in one respect, viz. : that of color.

Once more. We mean by it, that henceforth they be treated as rational beings ; no longer trodden down as the off-

scouring of the earth, but respected as free citizens of these United States. This is what I understand by the term *free*, when used in connection with "Immediate and Total Abolition." For I call that man free, who is under the protection of just and equitable laws ; which guarantee to him the protection of his life and liberty ; the life and liberty of his children ; the protection of his property ; and the exercise of one and all of his inalienable rights. Such a man *is free*. He enjoys a freedom given him by his Creator, due to him by every principle of humanity and justice. It is the condition of his existence, the debt of nature ; cancelled only when his body shall return to dust, and his spirit unto God who gave it.

Let us now glance at a few of the more prominent questions, which a discussion of the subject naturally suggests. And is it asked, What is to be understood by the term *immediate* ? It means that the people—the Congress of these United States and the Legislatures of the several States—*immediately* enter upon active and efficient measures to the extent of their power, for the accomplishment of the object at which we aim. It can not be accomplished in an instant, in a single day, month or year, perhaps ; but a course of measures can at once be entered upon, which shall accomplish it in a much shorter space of time than can *properly* be designated by the term *gradual*, as it is now used. We know very well that all this is to begin with the people—the people are to begin and carry forward this train of measures. And hence the efforts now made to arouse the people, and bring them to examine and reflect upon the subject, that they may be willing and ready and prepared to act.

There is not, perhaps, an assertion which abolitionists are so

often called upon to meet, as this : " You have no right to meddle with Slavery at the South." It may be disposed of in a very summary manner. *How* meddle with it, we reply ? If you mean by physical power ; why, we agree with you at once ; we have no right, and who ever supposed that we had ? It is in the power of the Slave States alone to put an end to the slavery which exists in their respective States. He who knows anything of the constitution of his country, the principles on which her government is formed, knows the reason of this. One State can not make, or alter the laws of another. But have we no right to attack slavery at the South in the same manner in which we attack any other institution, or vice, of this or any other people ? May we not support, or assail the institutions of any nation, state or people, with all the weapons of intellectual or moral warfare ? In this manner we do support or assail them, whether they exist under the eye of a Russian or Turkish despot, or wheresoever they may be found, though it be in the very heart of our own nation. By no principle of international law, or of *common sense*, which is the best of all law, can this be forbidden. Be it forbidden or not, it is of very little consequence. It is a right which *free men* will exercise. So think the North ; so think the South, as the Message of Governor McDuffie conclusively shows, who by just deductions from the principle advanced, is down upon us with *his* weapons of intellectual and moral warfare, weak though they be, and has attempted to convince us and the world, that the absence of domestic slavery, is the *capital defect* in the institutions of the North. Surely we have an acknowledged right to meddle with slavery at the South in this way.

Does any one say, this moral revolution is to commence with the people of the South—the slave-holders? Not so—not so. You are under a great mistake here. It is to commence with the people of the North. Where is the strong-hold of slavery? Where the great slave mart, but in the very District in which we have a common interest, for the laws and doings of which we are, through our representatives, answerable? Here we have an answer to the question, Why agitate this subject at the North? Because the District of Columbia, over which Congress has exclusive jurisdiction, and the people through those who represent them from year to year, is the prison-house of seven thousand slaves!

Because *there* is the great domestic slave market—*there*, the headquarters of the slave-prisons! *There*, the slave-coffers are marching to and fro from day to day, from the boards of the auctioneers to the private prisons in the District, licensed as sources of public revenue, and from the slave-prisons back again to the office of those who are licensed to sell the *bodies*, if not the *souls*, of their fellow-men.

Because, the money of the North assists to build and repair these prisons. Because if the representatives of the free States, but demanded it, and they would demand it, if it was the will of their constituents, there would not be a slave within the bounds of the District. And because, should slavery but cease to exist *there*, its death-knell will have commenced, and borne on the wings of liberty from North to South, from East to West, its last accents will have been heard *only*, when the shouts of the people have announced, it is finished! Slavery has fallen! Liberty is triumphant!! I repeat it. Let the people of the free States be abolitionists in heart as well as in

profession, and demand of their representatives, in a voice not to be misunderstood, that slavery no longer be suffered to exist in the District of Columbia, and ere long, *there* it will have ended.

This gives us a reply to the enquiry too often made, with the sneer of contempt and the laugh of apparent triumph. You benevolent men, you advocates for equal rights, why do you not go South? The work is not yet done in the North. Professedly against slavery as we are, it is only in profession.

Is not the proof conclusive on this point? Well might the South ask, Why come you here? Go back, sir—Go back! Let the North put an end to slavery when she has the power. First pull the beam from your own eye. Preach to your own people till you have revolutionized *them*, and then we will hear you of this matter. “But you will dissolve the Union by carrying your measures into effect,” I hear from some anti-abolitionist.

We can not stop to examine this assertion. Would that we could, but time will not permit of it. The burden of proof is upon the anti-abolitionist. Let him show us *how*? Examine the matter thoroughly and see on whom the blame will rest, *should* such an event occur from the agitation of this subject.

But there is no danger to be apprehended on this score. It is a bugbear for the free men of New England; but will be of little effect to prevent them from pleading the cause of the oppressed. Let justice be done. God will take care of the Union. By moral suasion is this mighty work to be accomplished. May the bayonet never again glitter, or the sword be unsheathed in the contest of *moral right* against *moral wrong*. He who said to his follower, “put up again thy sword into its

place," when with a holy zeal it was drawn from the scabbard to execute, seemingly, merited punishment on him who accompanied the traitor to the betrayal of his Lord and Master, never meant, however holy the cause, that man should shed the blood of man. In this contest, the weapons of knowledge, of argument and love, are alone to be used. By the power of God they will, in the end, be powerful to conquer ; and the palms of victory will be the supremacy of right. Let light be diffused throughout the States ; let a knowledge of slavery be had in all its ramifications. Let information go abroad throughout the land ; let every ear be open to listen, and the lips of every one ready to speak in behalf of the oppressed. Let slavery be examined and talked of in the domestic and social circle. Let it be discussed in our schools, academies, colleges, lyceums and public meetings. Let it be incorporated into our politics, and interwoven it *must* be with our religion. Let the pulpits speak by the ministers of God. Tell it not in Gath ; publish it not in the streets of Askelon ; that the appointed ministers of God are, at this day, so deaf to the Macedonian cry of those in bonds, who, through oppression on earth, are traveling to eternal death. Let the churches arouse and, by their prayers and efforts, roll on the wheels of this mighty revolution.

Here permit me to remark : it should never be forgotten that the war is against *slavery*. The oppressor is to be dealt with only in love, and while we brand the sin, we are to meddle with the man, only so far as duty requires in exposing his crime. As BURTON with his usual quaintness has remarked :

“ The best and surest method of advice ,

“ Should spare the person, though it brand the vice.”

Let us in the discussion of this subject, (and I would that it were so not only with us, but with all men in the discussion of every subject,) let us never return evil remark for evil remark, railing for railing. Not so are we to convince the understandings and win the hearts of men. Whether we have any of the spirit of Christ in our devotedness to a *holy* cause, God knoweth and not man ; by Him shall we hereafter be judged and not by man.

We are told that Anti-Slavery Societies have done nothing to hasten the abolition of slavery ; that they have only exasperated the South, and in fact strengthened the chain which binds the slave. That they have exasperated the South is beyond a doubt. And if you persevere, you always exasperate a man, when you touch what he considers to be his interest. A selfish, avaricious spirit never brooks control. But the truth of the latter part of the proposition, that we have strengthened the chain which binds the slave, we may well doubt ; and a single fact will lead us to pause ere we give our assent to the truth of an assertion which, if there can any reliance be placed upon logical reasoning from *given* premises, is incorrect. You will recollect the opinion of the Governor of South Carolina, that " no human institution is more manifestly consistent with the will of God, than domestic slavery " ; that " it is the corner-stone of our republican edifice. " Add to this the declaration of a South Carolinian orator, that " the relation between master and slave shall not be changed ; that they will resist and resist, to the most bitter extremity, all attempts at abolition, whether present or future, general or partial, immediate or remote. " Now, take these sentiments and then ask yourselves, why it is that the spirit of abolitionism should be so bit-

terly opposed if, as they say, its only tendency is to perpetuate slavery? It is the very reason why they should leave us unmolested. We are doing them a great favor, as is conclusively shown from their assertion, if it be true, viz., that the tendency of abolitionism is to perpetuate slavery. We are giving our influence to support this "corner-stone of our republican edifice"; we are assisting them to maintain "the relation between master and slave," if we are doing nothing for the overthrow of slavery; and *still*, they bitterly oppose us. The truth is, they know our efforts do not tend to perpetuate slavery. If they had this tendency, who does not see, from their own statement of the case, that they would not be arrayed against us?

* Such talk is nonsense, mere assertion, shown to be false from their own given premises. The Governor of South Carolina demands the suppression of abolition publications, on the ground, that a majority of the people of the North will become abolitionists, if *permitted to read them*. But why not let them become abolitionists, if they assist the South in holding her slaves? It is a very desirable thing for the South, that the people of the Northern States should become abolitionists. I think the correctness of the conclusion can not but be seen. The tendency of Anti-Slavery Societies is *not* to procrastinate emancipation.

What have Anti-Slavery Societies done, and what are they doing, for the immediate abolition of slavery?

I refer you to a history of their operations and their wonderful effects. They have done and are now doing much, to wake the people from the apathy and deep sleep which have so long bound them, in regard to the *extinction* of slavery. They are

- moving the mass of public sentiment in the proper channel, to effect its utter overthrow. They have caused the press to speak. Documents containing correct information on this topic, they *have* been and are now distributing throughout the land. They are sending their agents into every section of the country, that the people may hear the truth from living lips. They have moved the North—they have moved the South, and the cry is, “let us hear”! And many are asking, What shall *we* do to advance the great cause? They will go on. Good men and true, the yeoman and mechanic, the merchant and mariner, the Christian philanthropist and politician, the women and the young men, have enlisted. Their march is onward. Shoulder to shoulder, with well-combined and concentrated effort will they move, till this Juggernaut shall have fallen. The once dead calm is now heard in distant thunder, drawing nearer and nearer, growing louder and louder, and ere long it will burst, to the complete overthrow of the most iniquitous system that ever existed! In that day which tried the souls of the martyrs; when Ridley and Latimer had been given into the hands of the executioner; to the Bishop of London, Latimer uttered these prophetic words:

“We shall this day, my lord, light such a candle in England, as shall never be extinguished.” With a prophetic spirit, may it be said by the Anti-Slavery Societies of this day: the spirit of abolition has lighted a candle in America, which shall never be extinguished until *universal emancipation* has been proclaimed!

I must ask your indulgence yet a moment longer, while I allude to the attempts which have been made to fetter the press, put down free discussion, and destroy the sacred right

of petition. I do it rather by way of warning and exhortation, than of extended remark.

Liberty of speech, the freedom of the press, the right of petition, are *guaranteed* to us by the Constitution. More than this : They are the gift of God to freemen. Neither can they be strengthened or weakened in *their* view, so far as the justice *alone* of the *rights* are regarded, by the contents of any roll or parchment. They were the very terms on which we founded the Union. Without them, we have not *yet* obtained our liberties.

How far from the threshold of tyranny shall we be, when information on any national topic shall be forbidden under the penalty of fine, imprisonment and death, from being disseminated throughout the land ?

How far from it, when free citizens are forbidden to meet either by law or public opinion, it matters not, peaceably to discuss a matter in which we all have common interest ? How far from it, when our petitions are *spurned* by government, whose duty it is to give them a respectful consideration, and our inviolable rights *thus* disregarded and trampled under foot ?

Let every man read Mr. Calhoun's Report on the Freedom of the Press, made to the Senate of the United States, February 4, 1836, and observe more especially that portion of it recommending the plan for the suppression of any pamphlet, newspaper, handbill, or other paper, printed or written, touching the subject of slavery. He denied the right of Congress, and most ably defended his position, to enact any law to prohibit the transmission of the above-mentioned or any other publications. He held, in the language of the Report, " It would be a violation of one of the most sacred provisions of the Con-

stitution, and subversive of *reserved powers*, essential to the preservation of the domestic institutions of the *slave*-holding States, and with them their peace and security." So it would be subversive of the domestic institutions, peace and security of the *free* States likewise. He mentioned that the freedom of the press was placed beyond the possible encroachment of Congress ; that " Congress had no right, in any manner, to interfere with the freedom of the press."

But oh ! the consistency of man, when interest puts in her selfish plea ! He advances the position that the Legislatures of the several States have power to prohibit the introduction of a certain class of publications through their territories ; to call on Congress for a law prohibiting the transmission of such publications through the mail ; and then on the several States to pass laws in concurrence with their sister States ; thus giving the States the power of silencing the press—a right which Congress had not—and conferring this State power too, in the very face of the rights of the several States, which had effectually withholden this assumption of power from Congress. This he defends by a system of international law, thought to be as unconstitutional as it is absurd, and as dangerous to our liberties, if it existed, as the existence of any law made for the express purpose of undermining them. From this international scheme rose the plan of the South, which she immediately carried into execution, that of endeavoring to prevail on the Legislatures of the North to pass laws against the exercise of the freedom of speech and of the liberty of the press, by the citizens of New England. From this source has arisen the existence of the tumultuous assemblies which, from time to time, have been gathered together in different sections of our coun-

try, to drown by force the voice of free discussion. And you have seen another of its effects, in the attempt so recently made, and so ably opposed, to silence forever the right of petition for the redress of grievances, to which the citizens of New England will never submit. It is not an unheard-of proceeding. It is a *free Republic's* first step to despotism ! It has for its ultimate object the overthrow of Liberty !

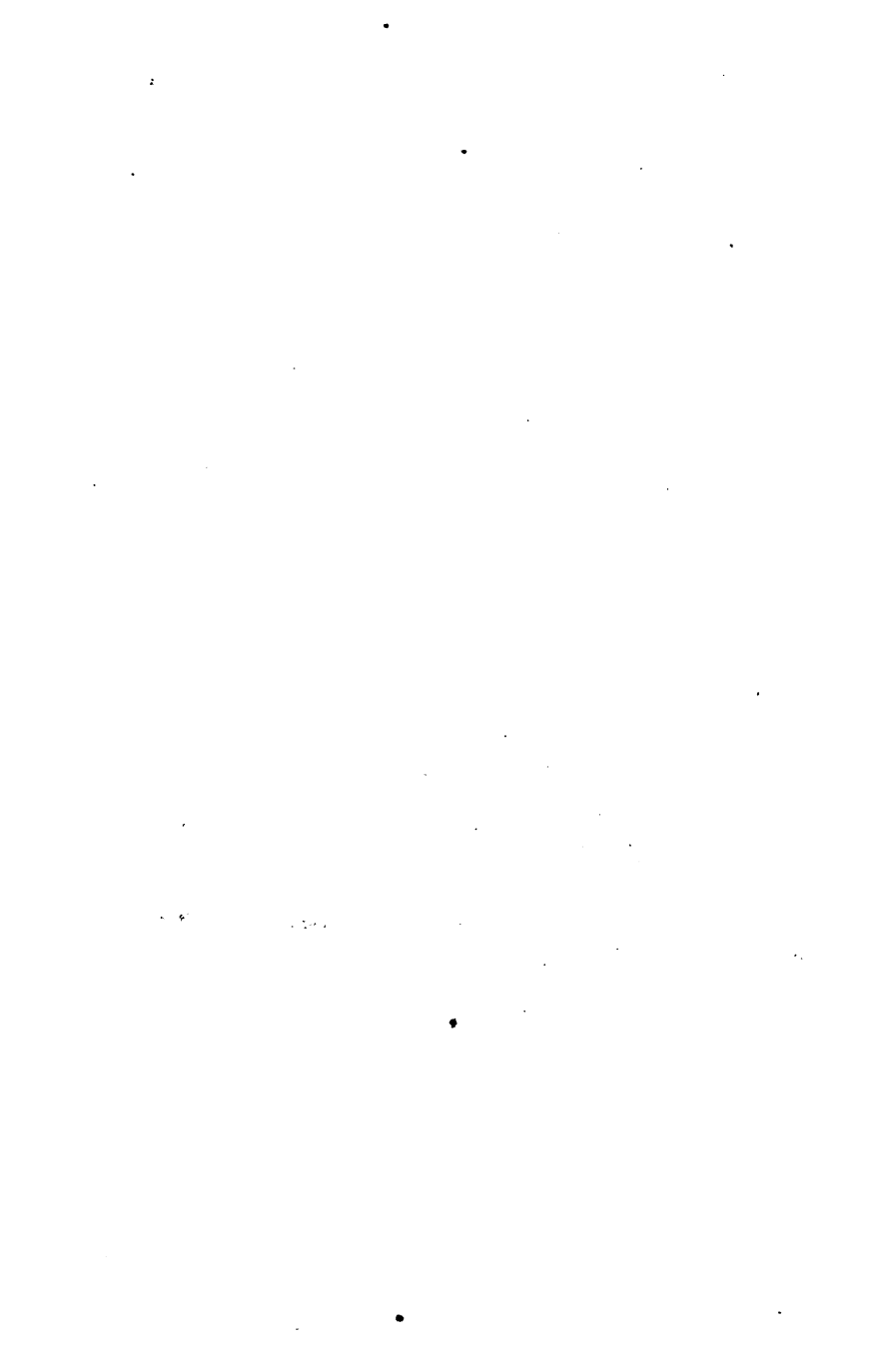
But will any attempts to check the progress of free discussion, muzzle the press, and silence the voice of petition, succeed ? Will they destroy anti-slavery Societies, or arrest the progress of their principles ? Will it lessen their efforts to accomplish the object at which they aim ? Will it discourage the stout hearts that have enlisted, or give them less energy ? No ! It accelerates the success of their measures. Bishop Taylor, in his beautiful simile of the zeal of the Christian with the stars, thus speaks :

“It must shine, (the zeal of the Christian), it must shine like the stars, though sometimes covered with a cloud, or obscured by a greater light ; yet they dwell forever in their orbs, and walk in their circles, and observe their circumstances, but go not out by day nor night, and set not when kings die, nor are extinguished when nations change their government.”

So will it be with the zeal of the abolitionist. It will shine like the stars, and though sometimes it may be covered by the cloud of persecution, or obscured by the troubled spirit of the times, yet it will dwell forever in its orbs, and walk in its circles, and observe its circumstances. It will go not out by day nor night ; it will set not when kings die, nor be extinguished when nations change their government. And though it may be drawn back at times by violence, “yet still,” to pursue the

thought in the beautiful language of the simile, "yet still the fire is kept alive, it burns within, when the light breaks not forth, and is eternal as the orb of fire, or the embers of the altar of incense."

It is a matter of thanksgiving that the late attempts to which we have alluded, did not succeed. We must guard the freedom of discussion, the liberty of the press, and the right of petition, as the apple of the eye. The spirit of the times demands that men should manifest both energy and warmth on this subject. They are assailed in their most inviolable rights. I repeat it :—The liberty of the press, of free discussion, and the right of petition, *must* be preserved from the *slightest* encroachment, or our liberties are gone ! I seek not to tax the powers of the imagination with a description of evils which do not exist ; but I solemnly ask, Are we not treading on fearful times ? May not the bright sun of America yet set in gloom ? Her glory tarnished by intestine commotions, her constitution annihilated, the dearest rights of her citizens disregarded, and this now happy land, the prince of the West, the pride of the earth, in all her glory, become once more the abode of tyranny and oppression ? The dwelling-place of religion and liberty fallen from her high station ! Check, oh ! check, the spirit of mobocracy in its infancy. Look to these things, men—look to these things—or the epitaph of your country will ere long be written. It will be short ; it will be but one word, and that one word—*Ichabod* ! Thy glory has departed ! (1 Sam. iv. 21.)



A REVIEW

OF

REV. MR. LOVEJOY'S LECTURE

ON THE SUBJECT OF

Prohibitory Laws, in regard to the use of Intoxicating Drinks.

WE are glad this lecture has been given to the public ; and we are especially glad it is given to the public just now, at a time when all concur in the desire and expectation, that the opponents of "Prohibitory Laws in regard to the use of Intoxicating Drinks," may bring forth their "strong reasons."

"Let them bring them forth, and show us what shall happen : let them show the former things, what they be, that we may consider them, and know the latter end of them ; or declare us things for to come."

The Rev. gentleman to whom we are indebted for this lecture is no novice in the Temperance Reformation. "Twenty-five years ago," he girded on his "harness" in the cause : nor has he put it off. "In 1840 and '41," he "was employed by the State Society of Maine, to lecture upon the subject through the State." During that period he "made the whole subject

a study, according to the best of his abilities, and arrived at some fixed and definite conclusions." A very efficient lecturer he was ; he did the cause good service.

It is gratifying to know, at the outset, that he made the whole subject "*a study* ;" and, at that time, "arrived at some fixed and definite conclusions."

If any have had great experience of wisdom and knowledge in this cause, Mr. Lovejoy is of this class ; and "wisdom is profitable to direct."

The able editor of the *Christian Mirror* speaks of the lecture on this wise :

"The lecture itself is a performance of no little power. It is one which, whether right or wrong in its teachings, cannot be 'pugh'd' down, nor sneered down, nor 'rummie'd' down, nor disposed of by allowing the author 'a considerable originating talent,' but denying him 'any great logical power.' He has brought experience, history, fact, philosophy, to bear on his argument, with a skill and directness, which it will require a different sort of weapons from these to arrest or set aside. The common-sense views, the earnest feeling, the out-spoken plainness of expression, the honest sincerity, the bold avowals, the pat and pithy sayings and use of acknowledged facts and principles, cannot fail to have a prodigious effect upon the popular mind."

Certainly, this "is no faint praise."

And yet, we feel called upon to say, we do not believe it will have that "prodigious effect upon the popular mind,"—certainly not against the law, which some have predicted ; and, for the reason, as it seems to us, that neither "experience, history, fact," nor "philosophy" bears on "his argument with a skill and directness" so convincing as to warrant the conclusion to which he has arrived.

Let us come, then, to an analysis of the lecture ; and let us see how the case stands. It has for its text, Romans v. 20. "Moreover, the law entered that the offence might abound."

The gentleman's exegesis of this passage ; or rather, *the way in which he uses it to sustain his position*, we find, not only in his introductory remarks, but on pp. 8 and 9 of the lecture, in such remarks as the following :

" And every man for whom you spill one barrel of rum, which he believes is property, and which you have sanctioned as property by your law, and license, and sale, will buy ten barrels and give it away ; and intoxicating drinks will then become a *temptation* as they never have been before. Then you have Canada on the north, and every railroad will become a river of death to the community."

" Every vegetable on earth that has one particle of saccharine matter in it, has only to be put in water till it ferments, and you have alcohol ; five dollars, or less, will put a distillery into the house of every man who wants it. England put a very heavy duty upon whiskey carried into Ireland."—(Query. Was it because England would outlaw whiskey as a poisonous beverage?) *Private distillation, concealed distillation went on* all over the kingdom. The British government had not power to stop it by pains and penalties. Where drinking abounded, introduced and regulated by law, it did much more abound against the law,—over the law."

We understand then, that, according to Mr. Lovejoy's exegesis, and application of the text to the Prohibitory Law, *the law* is to be held *responsible* for the attempts that will be made to evade and transgress its provisions. Indeed, this is the idea which is held up as properly deduced from a legitimate use of the text, and as the basis of the lecture. And this is so obvious that Mr. Cummings in the article from which we have quoted, after giving the text and Mr. Lovejoy's remarks upon it, adds :

" That the effect of prohibitions is often such as is here stated, it would be hard to disprove. What parent, almost, has not seen it in his children—a perpetual, teasing desire to do something which is forbidden,—a desire which gains strength, till it becomes invincible. Still we think it behooved our brother to employ a few words in showing, that this was not the *design* of law. The law is not the *cause* of the offence."

Now, what we have to say is, Paul, according to the opinion

of our most learned and pious commentators, held no such doctrine as this lecture imputes to him, with respect to the law of which he spoke. The Apostle shows the falsity of the idea that the law is to be held accountable for the offence.

He obviously foresaw that because he had said, "Moreover, the law entered that the offence might abound;" or in other words, because he had stated that one effect of the law is the increase of sin, an objection would be raised against the law *itself*; this objection the Apostle anticipates by adding, "What shall we say then? Is the law sin? God forbid." "To this objection," says Rev. Albert Barnes, "the Apostle replied with great wisdom, by showing that the evil was not in the *law*, but *in man*; that though these effects often followed, yet, that the law itself was good and pure." And is this exegesis untenable? If not, then so far as the author of the lecture has attempted to found an argument against the law on the principle which is taught by the text, he has failed.

And the very extracts which we have made from the lecture go to show,—not, what he would have us believe, that the evils of which he speaks, may justly be attributed to the Prohibitory Law,—but, that the real cause of their existence is *in man*; who, in consequence of his love for intoxicating liquors, will malign, and pervert, and transgress the law to his destruction. If men, in consequence of the Prohibitory Law, will now buy their "ten barrels, and give it away;" and make "every railroad a river of death to the community;" and "put a distillery into the house of every man who wants it;" the law, we say, is no more to be held accountable for these effects, if effects you please to call them, than is the law of God for the sinfulness of man. No more is it to be held

accountable for these effects, than the law against larceny for the repeated thefts of John Smith, because there was not "power enough in the penalty to maintain the law against the original desire, and these augmented forces of the desire," of John Smith, feloniously to take, and carry away, the property of his neighbor; but, in consequence of a law prohibiting stealing, his "desire pressed against the barrier," and being resisted, "recoiled with irritation upon itself," and acquired new strength to break forth *as it did*. "When you introduce a law," is the principle laid down in the lecture under review, "you must look to it, that you have power not only to crush whatever opposition may now exist, but also all that may be excited by the irritation which your law will produce;" this is the principle to which, as we understand, the author is led by the text. We should have been glad had he seen fit to be a little more liberal of "logic" in support of a principle—if a principle it is—so exceedingly comprehensive.

And as he may give the public something more on this subject, we respectfully propose the question, to which we hope he will definitely reply, that some service may be rendered to legislators: How are they to know whether their law, until it is executed, has power to crush, and not only to crush whatever opposition may now exist, but also all that may be excited by the irritation which their law will produce?

In short, it may be said, with much truth, there is but little danger of having the statute books of any State encumbered with new laws for the prevention of crimes, if it is a settled principle, that a law is not to be put forth, *until it is certain* it possesses the *crushing* power, without which our author tells us it ought not to become a law. We doubt not, the gentle-

man is well acquainted with the history of legislation. And, he will oblige some who have read his lecture, by referring to a few of the many instances in which this principle for the governing of law-makers was adduced and acknowledged as obviously correct.

But, suppose we admit, for the sake of the argument, that the principle, thus categorically laid down, is a sound one. Has it not been regarded in the proposed Massachusetts Prohibitory Law ?

Is the Maine Law at fault in this respect ? On what page of the lecture, and by what evidence is it shown that neither the one nor the other of these laws has power "to crush whatever opposition may now exist," *in the rumseller* ?

Where is it demonstrated that the law has not sufficient power "to crush the opposition that *may be* excited by the irritation" which it will produce amongst this class of men ?

And the law *is* designed to make the traffickers in intoxicating liquors, as a beverage, desist from their unholy business, the law itself being the result of legislation, induced by the "conviction" and "choice" of the people, "and not by compulsion." Is not one great objection to the law the *stringency* of its provisions, and their inadequacy to effect its design ? But, its power to do away with the opposition which is based upon its inadequacy to effect its design, greatly depends on the stringency of its provisions. Its advocates endeavor to look to it, that it shall exert the power *to crush* all opposition, by making it a *stringent law* for the very object which they are told they should have in view. And then they are told,—
"O your law is altogether too stringent !"

But, to proceed : "the impotence of the Law of God on

moral beings," says the lecturer, "is met by the *power* of the Gospel." This was the "new expedient" to which God had recourse, when he found "this newly developed power" in man, under the influence of the law, "prostrating the law." But why should we deny to civil law the *power* of the Gospel? May not its power be wielded in support of a law prohibiting and punishing crime under human legislation as well as under divine? Does not the Maine Law have all the *chance* for success which a rightful use of the Gospel affords? Does not the New Testament enjoin obedience to the laws of the land?

"Every man," I quote from the sermon of the Rev. Albert Barnes, on "the Supremacy of the Laws"—"Every man who is brought under the influence of the Christian religion, is a man who believes that civil government is an ordinance of God; that the laws are to be obeyed; and he submits to the laws, not by constraint, not because he believes it to be a matter of human prudence, or a compact merely, but because it is the appointment of God. It becomes a part of his religion; and the highest of all sanctions—that of religion—is brought to bind him to yield obedience to the laws of his country." Certainly, there is "the *power* of the Gospel" to help the law.

We now come to the lecturer's "glance at the history and phases of the temperance cause *itself*, up to the present time." By this "glance" it is evidently his intention to show, that its history, up to the time when the proposed Prohibitory Law of Massachusetts was called for, (or the Maine Law was passed) is against the enactment of such a law. He portrays in glowing terms—nor does the description exceed the reality—the

progress of the cause from 1827 to 1833. And he ascribes its progress to this, viz. : "The weapons were, *facts, arguments, pledges of total abstinence.*" In the favorite language of that day, "Light and Love." "And never were seven years more fruitful of good than those seven years. Never in so short a time, in any country, was such a change in the social habits and customs of any people."

Then, the cause did not call to its aid, what Mr. Lovejoy believes to be "a carnal" weapon—the law ; and which ought not, in his opinion, to be "introduced to accomplish a moral and spiritual end," and the use of which, to accomplish such an end, is not, as he thinks, in accordance with "Light and Love."

If we understand him, he regards the "Prohibitory Law" of the liquor traffic, as introduced to accomplish what is solely "a moral and spiritual end." He classes it with a supposed law of the Sandwich Islands, prohibiting "the manufacture or the traffic in idols ;" with a supposed law in Turkey, outlawing the Koran "as a beverage to faith ;" and with the prohibitory law of Constantine to abolish idolatry. "The first *prohibitory law,*" are his words, "intending to change by law, the habits, customs and opinions of a large portion of the community, wielded by the hands of Christian men. There have been plenty of them since, and they commonly destroy their authors, after inflicting incredible evils upon society." Into this catalogue, of course, does he put the Maine Law ; he in fact declares, it is of the number of those laws that "commonly destroy their authors, after inflicting incredible evils upon society." And still, on another page of his lecture, we find him emphatically objecting to any inference being made *in*

favor of the law from what it *has* accomplished, because it has been in existence but the brief period of "nine months;" a period of time so limited, that it cannot be known from it, "what the law is, nor what it will do for society."

He condemns the law in its infancy; and then, when *we* plead its good work, he alleges that its infancy must necessarily preclude *us* from attempting to show, by what it has done, "what the law *is*," or "what it *will do*" towards effecting the end for which it was made!

There are those who think it would have been, on the whole, more consistent, had the lecturer waited a decade of months at least, if not years, in the life of the Maine Law, before so readily classing it with "the first prohibitory law," and "the plenty of them since," which have commonly been attended with such disastrous results.

But living in Massachusetts—so far from Maine, perhaps he was ignorant of the fact, that it has not been discovered "down east," though some in Massachusetts and New York assert it is otherwise, that our Prohibitory Law has inflicted "incredible evils" upon the citizens of this goodly State! And we can say, on reliable authority, that the author of the Maine Law, though officially dead, was not destroyed in consequence of the unpopularity of the law.

Indeed, we have it from a gentleman whose official position gives weight to his opinion—"The law is very much more popular in Portland than the late Mayor;" and again, "you may set this down to begin with, that his defeat is not the defeat of the law."

And we know of no reason why, with the eloquent young senator from Cambridgeport, should the Senator be ostracised

for his vote on the proposed Massachusetts Law, because he voted and spoke "according to *his* convictions,"—the late Mayor of Portland, whose defeat is attributed to his having acted according to *his* convictions of the requirements of the Maine Law, may not be consoled by the saying of a very shrewd man—"The Athenians sent their best men into exile; we, more humane, only remove them from office."

But why, in the early period of the temperance cause, was not the weapon of the law used for the suppression and annihilation of the traffic in ardent spirits as a beverage? It was not because the early advocates of the reformation said, "that the law should not be used;" so we are told on p. 12 of the lecture. And, as on p. 5, he asserts—speaking of the cause from 1827 to 1833—"again and again, were coercion, threats and penalties repudiated;" of course, the early advocates of the cause did not believe, that, to avail themselves of the aid of law, would be to use "coercion, threats or penalties."

Nor was it, therefore, because they looked upon the law as "a carnal weapon," the use of which to suppress the traffic was in no wise consistent with "Light and Love." It was for the good reason, that, at that time, there was not the settled conviction which ultimately pervaded the temperance mind, and, to this day remains; that moral suasion had carried the reform onward to a point, beyond which it could not go with sufficient power to meet the exigencies of the case without the aid of prohibitory law.

When this settled conviction had fully come, which was about the time that Washingtonianism began to ebb, in which *ism* moral suasion was regarded as having reached its climax, then the call was made for law; the use of which, to suppress the

traffic, but few temperance men, save Washingtonians, (and the most of this class of temperance men were soon changed in their opinion) asserted, was inconsistent with "Light and Love."

Indeed, previous to 1840, "the subject of License Laws was discussed largely in Legislatures, and some unwise laws were enacted;" they were laws designed to restrain the traffic by imposing *certain conditions* on the trafficker.

But, let us here introduce an extract from the speech of Rev. Mr. Kirk; made at the Chatham street chapel, in Boston, October 1st, 1839; before the Young Men's Total Abstinence Society. It is a fitting reply, we think, to what Mr. Lovejoy has said in his lecture, against the introduction of a Prohibitory Law to accomplish "a moral and spiritual end;" and against the introduction of a Prohibitory Law to do away with the traffic in intoxicating liquors as a beverage. It will be setting a Massachusetts man over against a Massachusetts man, and divine against divine: let them settle it:

"I am glad to see *legislative action* commenced on this subject. I am fully averse to every thing that savors of the alliance of Church and State: in which I include either the execution of civil laws by ecclesiastical judges, courts, or officers; or, the infliction of civil penalties for *violations of the divine laws as such*.

"But when the majority of a State or community have discovered that an existing custom or institution is a public evil, corrupting the public morals, inflicting taxes on the larger portion, merely to sustain a few in an injurious traffic, then the *legislature is but accomplishing its peculiar office*, in employing the whole force of civil enactments and civil penalties to abate and destroy that nuisance. And while on the other hand, such enactment has reference solely to the political or social evils resulting from such institution, custom or traffic, and therefore is in no sense a religious law; yet, at the same time, it should form no objection in the legislators' minds, that this law or prohibition happens to coincide exactly with the laws of God. In this light I should defend our existing, but violated laws concerning the Sabbath. It is the duty of the legislature to enact a law, which the majority of the community are convinced the public welfare requires. I know not

that defence of this position can be necessary. But I would defend it both from the very nature and design of the social compact, and from the practice of legislation in every civilized country. If we trace the institution of civil society to the direct action of God, and all authority of civil legislation to Him, then legislators are his ministers appointed to secure, by every possible exercise of legislative power, the temporal welfare of the community. Or if society be considered merely in the light of a human arrangement, a compact; then the legislature as entrusted with the welfare of community, is bound to promote that welfare, by defending society against every injurious influence.

“And this principle has guided all legislative action. Many indeed cry out against the interference with rights. But did not the slave trader make the same objection when Britain and America pronounced his traffic piracy, punishable with death? The same may be said of every article in the criminal code. And if it be right for a legislature to make Piracy, Robbery, Murder criminal, it is equally right, and precisely on the same ground, right to make the Spirit Traffic criminal.”

Now, if the sentiments of Mr. Kirk are correct, please to observe, that with respect to our Maine Law, it is an enactment having reference to a civil and social, as well as a moral evil, and is not “the infliction of civil penalties for violations of the divine law as such;” in this respect widely differing from the prohibitory law of Constantine, which was the infliction of civil penalties for violations of the divine law as such, and strictly a religious law.

The principle of the proposed Prohibitory Law and the duty of the legislature to enact a Prohibitory Law, Mr. Kirk would defend, “both from the very nature and design of the social compact, and from the practice of legislation in every civilized country.” “And if it be right (is his language) for a legislature to make Piracy, Robbery, Murder criminal, it is equally right, and precisely on the same ground right, to make the spirit traffic criminal.” Mr. Lovejoy asks, on p. 14 of the lecture: “Have you a right to pass it (the prohibitory liquor law) according to all the established laws of toleration

in the civilized world?" "To this question," (is his answer) "I say no, most distinctly." Mr. Kirk, *as distinctly says*—yes. The people of Maine have answered—yes. And they may properly ask Mr. Lovejoy *to show*, and then his assertion will be of weight, that the principle and practice of such legislation are inconsistent with the established laws of toleration in the civilized world.

Again. Please to observe, Mr. Kirk certainly, as early as, 1839, did not regard the use of a Prohibitory Law as a carnal weapon—not to be wielded against the wicked traffickers, and as inconsistent with "Light and Love."

We are not aware, and, therefore, cannot admit what the lecturer would have us believe, that "nearly all the early advocates of the (temperance) cause," were far from agreeing with Mr. Kirk in this particular; or that they "gave public assurances that they did not then, nor ever intend" to "grasp political power, and use it technically for the cause of temperance."

We are sure this was not the case with Beecher, and Edwards, and Frelinghuysen, and Lucias M. Sargent, and not a few more able advocates of the cause, whose names might be given.

Dr. Edwards has always maintained, to use his own words :

"That the cause of temperance is of such importance that it should be vigilantly guarded on all occasions; that it should not be sacrificed for any political considerations; that legal prohibition is the only form of legislative action which we can approve; that temperance men should yield party political considerations whenever these conflict with temperance principles, and that such men, at the polls, should vote only for those candidates who will most efficiently sustain the temperance cause."

At the Massachusetts Temperance Convention, held in Marl-

borough Chapel, in 1840, the following resolution was introduced, and after an animated and full discussion, passed by a very large majority :

“ Resolved, That until the laws of this State, concerning the sale of intoxicating liquors, are fully and firmly established upon the basis of prohibition, and sustained by a correct general sentiment like the other penal and criminal laws of the Commonwealth, it is, in our opinion, the duty of Temperance men, in their several political parties, to vote only for those men as candidates for legislative and executive officers, who are known and inflexible friends of such a course of legislation.”

This looks very much like grasping political power and using it specifically, if not technically, for the cause of temperance !

And while speaking on this branch of the subject, it may be as well to say now, as at any time, that the State Society of Maine once had an able lecturer, who did not come very far from approving, if he did not advocate, a Prohibitory Law for destroying “the vending of ardent spirits.” He was present at the third annual meeting of the society, in 1840. The following is the 9th resolution, which was taken up and discussed at that meeting :

“ Resolved, That a correct public sentiment on this as well as on every other subject, should be allowed to manifest itself in every suitable way ; and one of those ways is the establishment of good and wholesome laws :

“ Mr. Cram, of New Sharon, moved to amend this resolution by adding at the end of it the following words :

“ And a good and wholesome law on this subject would be a law prohibiting the sale of intoxicating drinks as a beverage.”

“ Mr. Cram said he was instructed by the Society he represented, to go in favor of a prohibitory law. He wished to have an expression of the Union in order to know what the opinion of the majority is—whether the State is prepared for the law—his town was prepared for such a law, and would sustain it.”

On this resolution and the amendment, an animated and protracted discussion ensued. Gen. Appleton, and Gen. Fes-

senden, of Portland ; and Rev. S. L. Pomroy, of Bangor, and others participating, and the above named gentlemen and others, whose names we have not given, advocating such a law.

“ Rev. Mr. Adlam contended that the time has not yet arrived when a prohibitory law can be enforced. He did not believe that the Legislature could be induced to pass such a law—but if it could be passed, it could not be executed. We cannot execute the present law, and how can we expect to execute one more obnoxious still? The Massachusetts Law is not in reality prohibitory—it allows fifteen gallons to be sold—it allows certain apothecaries to be licensed. If he was to take his choice between the resolutions, he should go for the one just laid on the table. He would prefer to have the power of deciding vested in towns rather than the law proposed in the resolution now under consideration. He said the subject was surrounded with difficulties—and if what he had said had no other effect, it might bring out stronger arguments in favor of prohibition.”

“ Rev. Mr. Pearl did not agree with all the views which had been advanced. He believed the resolution does not say that now is the time to pass a prohibitory law—it merely approves of it in principle. The Law in Massachusetts was *not* a Prohibitory Law—*it was a fifteen gallon law*. If it had not been for this feature, much of the power brought to bear against it would have been wanting. There is such a thing as right principle, although we may not be able to reach it.”

Rev. Mr. Lovejoy (J. C.?) “ said if it could be shown what law would destroy the vending of ardent spirits at one blow, he had no doubt that the present Legislature would pass that law, and pass it willingly. But he saw many of the same difficulties which had been pointed out by the gentlemen who preceded him. The present law is prohibitory to a great extent—and the proposed law will go but little beyond it. The change proposed by the resolution lying on the table and some other changes in the existing law, would make it as perfect as law can be made. A law may be passed prohibiting the sale to be drunk in shops, and it may be executed. Drunkenness is a social vice. Scatter it abroad and you may destroy it.”

Was this the Mr. Lovejoy who was a resident of Maine, and an agent of the State Society in 1840, where “ the subject of a prohibitory law was discussed from 1836 to 1841, with a great deal of earnestness ;” and whose opinions were then, as now, that “ the thing is absurd, impossible and unjust ?” and who had no doubt, “ if it could be shown what law would destroy

the vending of ardent spirits at one blow, the present legislature (of 1840) would pass that law, and pass it willingly?"

How far, we would respectfully ask, would "that law" be from "a prohibitory law to accomplish a moral and spiritual end;" which, in our author's opinion, is to be classed with the prohibitory law of Constantine "to abolish the idols, and banish heretics;" laws which "commonly destroy their authors after inflicting incredible evils upon society?"

We should have supposed that the gentleman whose "opinions were *then*, as now," would not so *readily* have admitted, to say the least, that the legislature of that year would have passed such a law willingly. We should have supposed that *he* would have manifested a little more earnestness, to show its injustice and absurdity.

His opinion that the Legislature would pass *such* a law so willingly, would almost lead us to think, had we not his declaration to the contrary, that he did *not then* believe "the thing" to be so very "absurd, impossible, and unjust."

It should go very far towards establishing the point that the mass of the people in Maine, as early as 1840, had become converted to the doctrine of the necessity and justice of a Prohibitory Law; for Legislatures do not often "pass willingly" a law to which a large majority of the people are known to be opposed. We ask you to take notice of the early conversion of the people of Maine to the doctrine of the necessity of a Prohibitory Law. It was as early as 1840, the *first* year of the gentleman's agency in behalf of the State Temperance Society! And do we read aright in the lecture:—"Neutrality upon any subject where you have formed a definite opinion, is a position only for a coward, and one that no man can long occupy

without forfeiting his own self-respect, and doing violence to his moral nature?" and did he then pass through the State, declaring his unmistakable opinion, in private and in public, against a Prohibitory Law? If so, we have failed to find a record of it in any report of his labors. Indeed, if he pursued this course, he must have been *eminently unsuccessful*, if we may form an opinion from what is seen to have been his remarks before the Maine Society, and the remarks of many of its members.

Again, what *was* the change proposed by "the resolution lying on the table," to which Mr. Lovejoy alluded in his remarks—"and some other changes in the existing law, which would make it as perfect as law could be made?" We have no means of knowing what were the "some other changes in the existing law," to which Mr. Lovejoy had reference; but we have the means of ascertaining what was "the change proposed by the resolution lying on the table."

"Mr. Clapp, of Bath, offered the following resolution:—

"*Resolved*, That application be made to the Legislature for an amendment in the License Law, that no license be given in any town, unless the town at its annual meeting in March or April, shall by a vote authorize the same."

"Mr. May, of Winthrop, advocated this resolution. He was not in favor of legislating faster than public opinion will warrant. The change proposed in the law by this resolution, would put it in the power of the friends of Temperance to ascertain whether the majority in this State is really in favor of *prohibiting* the sale of intoxicating drinks—it would enable each town to regulate such matters for itself.

"The President suggested that such a change would throw the laboring oar upon the rumselling party, and would strengthen the hands of selectmen who have not courage enough to do their duty, But such a resolution would not be consistent with insisting upon the enacting of a prohibitory law.

"Mr. H. K. Baker, of Hallowell, said he hoped this resolution would be thoroughly discussed before the vote is taken upon it. It ought not to be

adopted without deliberation. The Union has for several years taken ground in favor of a prohibitory law. If a different ground is now to be taken, it ought not to be done without a full and free discussion.

"The resolution was then laid on the table."

This then (the resolution of Mr. Clapp,) was "the change proposed," which, "with some other changes in the existing law, would make it as perfect as law could be made."

But on page 7th of the lecture, the author quotes as follows from Davis' *Half-Century* : "From 1836 to 1840, the cause advanced slowly. The subject of License Laws was discussed largely in Legislatures, and some unwise laws were enacted, which diverted the public mind from the great work in which they had been successfully engaged." And the lecturer asks—"What were the *license laws* here spoken of?" And his reply is, "Prohibitory Laws!" "During all this time, the Legislatures of half the States have been trying to improve the laws upon this subject, so as to stop or diminish the traffic in intoxicating drinks."

And yet, in 1840, he *approved* the resolution of Mr. Clapp, that proposed "a change," which, with "some other changes," would make the (then) existing law as perfect as law could be made! A law which, according to the lecture, must be classed with "Prohibitory Laws!"

If he believed "the present law *prohibitory* to a great extent;" and that the proposed law (by Mr. Cram), "prohibiting the sale of intoxicating drinks as a beverage," would "go but little beyond it"—the present law which he himself *approved*, with the change proposed by the resolution of the gentleman from Bath, why did he not strenuously oppose it on the spot? Why did he not strenuously oppose any proposed law, that was thought to be prohibitory, when, at that time, as now,

“a Prohibitory Law upon this subject, to his mind, was just as impossible in any part of the civilized world, as it is impossible to make a broom that would sweep all the stars out of the sky every night?” Was not Maine, in 1840, a part of the civilized world? And again; we have it from his lips—“But that the laws of this State (Massachusetts) have done great good by limiting and restraining the traffic, there can be no doubt.” In these laws of Massachusetts he means to include, of course, for he makes no exception, the laws from 1836 to 1840—which he has just told us were “Prohibitory Laws!” and concerning these laws he adds: “And if they were not denounced, and were executed as they would be if they were not denounced, they would do a great deal more good;” *i. e.*, the *prohibitory* laws of Massachusetts between these years, would have done a great deal more good, had they not been denounced—had they been executed as they would have been, had they not been denounced!

There are some of his readers who think that he strangely confounds License and Prohibitory Laws; that he does not make the distinction between these laws which to most minds is obvious. They are confirmed in this opinion by the fact that he tells us: “It is not for the want of *attempts* at this kind of legislation (*i. e.*, prohibitory) that there is not such a law now. Tennessee, Mississippi, Illinois and Massachusetts passed *prohibitory* laws on this subject thirteen years ago, and they immediately became a dead letter, or were repealed.” Were they *prohibitory*, or were they license laws; laws permitting it to be sold as a beverage under certain limitations and restrictions? With respect to the Massachusetts law to which the gentleman alludes, it was not considered, nor was it in reality, “a Pro-

hibitory Law ;" it was styled, at the time, " a fifteen gallon law ;" it permitted, in fact, the sale and consumption of intoxicating liquor as a beverage, to some extent as right. *That* was the principle of the Massachusetts law. It was and is the principle of all license laws, technically so called.

We have not before us " the Prohibitory Laws" which the lecture informs us were passed in Tennessee, Mississippi and Illinois, " thirteen years ago ;" but we venture the assertion, which stands good until it is made to appear to the contrary, that the laws of these States were *license* laws, and not strictly prohibitory ; not prohibitory, as this principle is found in the Maine Law, or as it has been brought forward in the proposed Law of Massachusetts. And if they were prohibitory, the lecture asserts that they did " great good by limiting and restraining the traffic, there can be no doubt ; and they might have done a great deal more good had they not been denounced." But suppose they were Prohibitory Laws, was it the *prohibitory clause* in these laws ; or, in a word, was it the *principle of prohibition* in consequence of which they " immediately became a dead letter, or were repealed ?" Might not their unpopularity with the people, and their repeal, have been traced to objectionable features, or provisions in these laws, of which the prohibitory principle formed no part ?

To make out his case, by the aid of the evidence of " all past experience" against the law, is it not incumbent on him to *prove* : 1st. That the laws of Massachusetts, Tennessee, etc., passed " thirteen years ago," were *prohibitory* laws ? And 2d, That it was the *principle of prohibition* which killed them ? But he has done nothing of this kind. And here, as it seems to us, is the capital defect of the lecture,

It does not, on one of its sixteen pages, grapple with the prohibitory principle, as such, and subject it "to the test of experience, history, fact and philosophy," with a skill and directness which, by fair reasoning, proves "the thing" impossible, unjust and absurd. The author expends his ammunition on *this or that detail*, which may be modified or omitted, so long as the vital principle remains unaffected, and all the time seems to think he is sending bomb after bomb in a direction that will inevitably result in the overthrow of the principle of prohibition. Could he have become the victim of such a delusion, had he not somehow gotten into the midst of "a mazy fog," which kept him from seeing "the actuality of the gigantic benefits"—"the diminution of crime; the wiping out of pauperism; the promotion on every hand of industry, and virtue, and comfort, and salvation,"—which come of the operation of the Law in Maine, and have erected for the *principle* of prohibition one undivided and massive breastwork?

Admitting that the Massachusetts Bill and the Maine Law are objectionable in some of their details; admitting that they might be amended for the better; what then? Does this demonstrate the injustice and absurdity of the principle?

He grants that "laws are the most delicate machinery that happens to be in this world;" that "a man who makes and perfects a good law," does a great and a good work, and a work that is not done in a day, nor in nine months, nor in a year; and yet, because the machinery of the proposed Massachusetts Law, and of the Maine Law, is not perfect, he declares the foundation principle of the machinery to be absurd, and shouts to the world, Away with it! There must be no time for improving the machinery! The very fact that every part

of it does not work to perfection, and is not of the best finish, demonstrates the principle on which it is constructed fallacious to its core. This, we say, illustrates the "logic and rhetoric" of the lecture now under consideration; this shows the stuff of which the arguments are made, and which is to feed the fire that its enemies have set against the law. Well, the Massachusetts Bill, or rather the details of the Law, and the Maine Law, have been subjected to the battering of the Rev. gentleman's "hot shot," and how do they look now? What, after all, are the facts?

First came the text; but it did not hit the law; it struck on one side of it. Not showing that the Prohibitory Law "is the cause of the offence," the text does the law no damage. Indeed, by fair interpretation, according to Dr. Asa Cummings and Rev. Albert Barnes, the fact that "one effect of the liquor law (we quote from the *Christian Mirror* of April 6th) has doubtless been to disclose an unexpected number of traffickers, as it certainly has to develop unthought-of specimens of demoniacal ingenuity in attempts to evade and transgress its provisions, is not alone and of itself a conclusive objection to the law, because it is found to exist in reference to the perfect law of God." The text, therefore, though aimed at the law, so strikes as to favor the law.

Next we have a "glance at the history and phases of the temperance cause *itself*, up to the present time." This "glance" comprises a part of the "history shot;" but it proves to have been fractured in the mould, for before it reaches the law, it breaks all to pieces! It strikes against "facts," and the reasonings of Mr. Kirk, and is so shivered, the pieces are carried whither we know not.

Then we are to "take all past experience," including the operations of the Maine Law, and "put that down as the *first* reason." But lo! it turns out that there has been no Prohibitory Law, strictly speaking, in any State save Maine, and in Maine "it has worked well;" "the people demanded the law," and "the people will sustain it." "Nor is the result of the Portland election (such is the testimony of the Portland newspapers) to be regarded as a popular demonstration against the liquor law."

Indeed, the spring town meetings, which, without exception, have brought directly before the people the question—the Law, or its Repeal? Rum, or no Rum?—have nobly sustained the Law. One hundred and four towns, out of one hundred and thirty-four, have gone in favor of the Law! In seven towns, not included in the above, "they have elected part temperance and part opposition." And what is more, but a short time since, his Honor the Mayor of Portland, attended the Levee of the "Ladies' Band" of the city, where, in the course of his speech—"he promised (we quote from a Portland paper) to execute the Law faithfully and to the letter!" This is "the wall of adamant" against which this shot strikes—and the law, as yet, is unharmed!

But, as though Mr. Lovejoy was fearful that in "all past experience," something might be found in the operations of the Maine Law, from which the proposed Law of Massachusetts would gain favor with people, he asks, "what are nine months in the life of a law? It shows no more what the law is, nor what it will do for society, than an infant nine months old, what kind of a man he will make;" thus cutting himself off from making use of any *unfavorable* operation of

the Maine Law—had it worked unfavorably—as an argument against the Maine or Massachusetts Law.

By the by, it will take something more than the *ipse dixit* of any man to make the parents of a sound, healthy infant believe that he will not live, or that he will not do the service of a man, when come to manhood's years. And the friends of the Maine Law (and its foes too), must have something more than the mere opinion of any man, before they can be made to believe it will die ; or that age will not augment its strength, since it has not yet manifested the first symptom of any disease, but has already attacked the Nemæan Lion—we mean devil—in his den ; where, as they believe, the sturdy infant, without waiting to become a man, “ will choke him to death, and carry the dead beast along by his beard,” to the admiration of the people !

But here comes our lecturer's “ analysis of the Law, and the circumstances under which it is to operate.” Look out ! Now we are to expect something which will hit “ the heart ” of all Prohibitory Laws against the sale of intoxicating liquors as a beverage, and over will fall, not to rise again, the proposed Massachusetts, and with it, the Maine Law.

Here we have the heavy shot of “ fact and philosophy ”—together with “ objections ” and “ questions ” to give impetus to fact and philosophy.

Well, examine his “ analysis of the law,” by observing what his arguments are, and where they strike. Its aim “ is to prevent crime, by taking away from those who use intoxicating drinks this temptation to crime.” Suppose we grant it ? Is there anything wrong in this ? But, “ can you reach it by legislation ? ” Suppose legislation will not and cannot *entirely*

remove the temptation, what then? Is this to preclude the people from any attempts to remove the evil by these means? "You admit by your law that intoxicating liquors must be made—must be sold—for certain purposes." Very well; does this admission necessarily imply that we must not attempt to arrest and prohibit its sale for a common drink? If this had not been admitted, under existing circumstances, who would have been the first to exclaim—O the absurdity, the tyranny of the law! It would ruthlessly and ruinously change the habits and usages of the *sick* people and mechanics of this Commonwealth! "And when, for any reason, a considerable portion of the community are, openly or secretly, violators of any law, in spirit and in form, you cannot execute it."

But it is executed in Bangor, in Portland (this Maine Liquor Law), and wherever in the State the necessity for its execution exists, notwithstanding we read in paper after paper, published out of the State, that not only a considerable but "a large portion of the people have the will to violate its provision, such is their indignation." "But the premises of every man are subject to search, on the oath of three men that they *believe* liquors are kept there, and *intended* for sale."

But have you heard of direful evils resulting anywhere in Maine, from that provision of her Liquor Law which takes hold of "*rum houses*," as well as rum-shops?

Then here is the "vengeance" and "wanton waste" feature of the bill. There was a time when the goring ox was killed, stoned, and his flesh not eaten; and a time when hogs, which were kept in violation of a Prohibitory Law, were sent "violently down a steep place into the sea," though oxen were eatable, and so were hogs. And it is not improbable this course

“stung to madness” the owners of goring oxen and unclean swine ; and that they exclaimed, “this looks a little like vengeance ;” this will “neither promote good morals” nor good eating, and for aught we know, “the destruction” was “*essential* to the law ;” but it did not show that an attempt to frame a Prohibitory Law was absurd.

In Rockland, Maine, as in some other towns, quite a number of barrels of liquor were destroyed, by turning it into the gutter. This destruction of liquor in Rockland is computed by our wisest men to be a clear gain to the place of more than three thousand dollars ! Was it the “wanton waste” of so much liquor ?

Now examine the “analysis of the law” given in the lecture, and put your finger, if you can—we cannot—on the first item of the analysis which establishes the point that a Prohibitory Law is unjust, impossible, and absurd. All that is said under this head “is hacking away at the branches, while the great trunk and the deep cast roots” are left untouched. It is not “the logic” of a feather’s weight towards proving that the outlawing of all intoxicating liquors as a beverage, is not right ; or that it is inexpedient ; or that the evil cannot be reached by legislation.

As to the question, “Have you a right to change by coercive measures the habits and usages of one-half the people of this Commonwealth ?” and to which the lecturer replies—“I doubt it,” we have this much to say : Without answering for the people of Massachusetts, the temperance and order-loving people of Maine might reply, that as they have never claimed the right, they have never attempted to change the habits and usages of any portion of the people of the State of Maine, in

relation to the use of intoxicating liquor, by any "coercive measures," other than by carrying out the wise provisions of a constitutional law, to do away with a public evil—which, by corrupting the public morals, is undermining all virtue, and will destroy all good, if left to the constantly accelerating forces which it is drawing to its aid as long as the traffic in liquor as a beverage is not outlawed ! In conclusion, we must express our astonishment—and there are many that are astonished with us—that any clergyman of New England should, at this day, regard it as a fact, and take it for granted, that his intelligent readers admit, that "Christ made and gave away at Galilee" alcoholic wine !

In 1840 Professor Bush, in a communication to the *New York Observer*, upon the words Bacchus and Anti-Bacchus, wrote as follows :—"The case is to me now very clear, that alcoholic liquors are never spoken of with approbation in any part of the Bible, and that Jesus Christ never made, or gave, or offered an intoxicating wine in his life to any one." Dr. Nott, and the late Professor Stuart, and many able commentators and writers on this subject, as Mr. Lovejoy knows, agree with Professor Bush in this matter. This is doubtless the belief of four-fifths of the temperance community in England and in this country, who have at any time been interested in the question. Whether the Saviour did or did not make and give away at Galilee alcoholic wine, is, we know, not to be decided by the authority of great names ; yet there are few men to be found whose opinions are entitled to higher respect on this subject, than the opinions of many of those learned and pious men, who by no means agree with the author of this lecture in the views he has incidentally expressed of the

Saviour's use of alcoholic wine. If these men have been guilty of "a great deal of bad argument and worse exegesis, in trying to show that the wine spoken of in Scripture (with approbation) was not *real* (*i. e.*, alcoholic) wine," let the lecturer do the world some service, by unmasking the argument and exegesis through which he so clearly sees the truth. He ought to have done this years since.

Again, we are somewhat surprised that the only crumbs of advice which the lecturer benevolently gives to the advocates of a Prohibitory Law, are to "punish *overt acts*, and let *intentions* alone;" to try men for *acts done*, and not arraign them because some person "believes, and has reason to believe, that such a person intends to commit an offence;" and to preach "original sin" as the best means of preventing rum-selling, and let Prohibitory Laws alone. And all this is said just as though *intentions* were never discoverable from *overt acts*; as though men were never justly arraigned on the oath of a person or persons, charged with the *intention* of stealing, or of committing arson, or of selling rum, and their *intention* so considered a part of their *overt acts*, as to subject them to punishment, if proved guilty of that with which they are charged. We know nothing of the lecturer's success in inducing rum-sellers to desist, by preaching to them "original sin."

In 1840 he said: "You might as well attempt to tow a live whale around Cape Cod with a fish-line, as to make all these men quit the business by the use of moral suasion!"

The Maine Law has been very successful in this work by preaching to rum-sellers their present crime, without alluding to "original sin."

In short, we are surprised that the author of the lecture—

who was so near advocating the use of law in 1840—(see doings of Maine State Society, at its meeting of that year)—should now go the “simpering tone” of moral suasion! But so it is. “*Tempora mutantur, et nos mutamur in illis.*” There is nothing fixed or stable, either in situations or opinions.

“Men change with fortune, manners change with climes—
Tenets with books, and principles with times.”

Farther, when it was announced that *Rev. Mr. Lovejoy* had come out in a lecture against Prohibitory Laws; and more especially, when we read in the *Christian Mirror* the high encomium on the lecture, by its able editor, then we thought and said, “Well, at length the heavy artillery is brought to bear upon the grand principle of Prohibitory Law.” We began to tremble, lest, after all, there would be “a sudden abrogation of the Law in this State, either by authority, or suffering it to become a dead letter,” which (with Mr. Cummings) we believe “would be a sad calamity, which should, if possible, be forestalled.” And we were well aware, that if this “sad calamity” came upon Maine, Massachusetts would inevitably take “the full force of the heavy shock,” and it would rumble through New York, Rhode Island and Pennsylvania, and onward, and onward, spreading dismay in the temperance ranks! But there are those who have read the lecture, and who have made it “a study, according to the best of their abilities, and arrived at some fixed and definite conclusions.” They are astonished at the nature and magnitude of its deficiencies; its destitution of logical method in arrangement; the looseness of its facts; its poverty of arguments; its multitude of side issues; its masterly keeping away from a manly,

lucid discussion, or any kind of discussion, of *the principle* on the soundness or unsoundness of which Prohibitory Laws stand or fall ; its dogmatical assumptions ; unwarrantable deductions and conclusions ; and its immeasurable dependence on the credulity, if not the ignorance of the people ! It is hardly possible that Massachusetts can be really enlightened by it ; it will take something stronger to irrefragably convince her, that "to outlaw all intoxicating liquors as a beverage," is unjust or inexpedient. Nor, as the result has shown, have the arguments of the lecture proved to be of much weight with the Massachusetts Legislators, to say the least ; for though its members have had ample time to consider these arguments, the proposed Bill, with some slight modifications, has become a law—*i. e.*, if the people of the Commonwealth give their verdict of approval.

And the people will show—if we do not greatly mistake their views on this question—that some stronger reasons than those which have been adduced in this lecture, were necessary to convince them that the rejection of the law would best promote their interests. Its influence to shake the faith of temperance men in Maine, in prohibitory legislation against the traffic, is, and must continue to be, amazingly small. "Society has been stimulated,"—has it?—upon this subject, "till it has been strained ;" and "it asks repose and reflection."

There is a kind of "repose and reflection" for which the rum-seller and the rum drinker ask ; it is that delightful repose and reflection which comes to them from giving the one unlimited swing in his traffic, and the other the glorious liberty of drinking when and where he pleases—disease, poverty, crime, and death to the contrary notwithstanding ! Well, rum-sellers and rum-drinkers—here is a discovery for you ! "If you want

to do more to destroy temperance in one year" than can be regained in five—just let this law pass, and the thing is done. This is the opinion expressed by the lecturer, and you will believe him—won't you?

You were not aware of this, or you would not have opposed the law so strenuously! From this moment we may look for your opposition to the law to cease. You will raise no more funds to prevent the passage of the proposed Massachusetts, or to repeal the Maine Law! You want "the excitement and the strife which (these laws) will produce; the very soil"—Mr. Lovejoy tells you—"in which intemperance in drinking finds its most numerous and easy victims." Here "is a good time coming" to you then, by these doings of fanatical temperance people; if you will only let them go on—and mark! though you raise money to any amount, to scatter broad-cast, "thick as leaves in autumn," the lecture of Mr. Lovejoy against Prohibitory Laws—it is not because *you do not* believe Prohibitory Laws will do more to destroy temperance in one year than can be regained in five!

Your faith is affirmative! You do believe Prohibitory Laws will do this! But alas! the readiness of your fellow-men to impute to you the worst motives in circulating the lecture. Alas! their base attempt to show that you do not want a Prohibitory Law, because you want to continue in the traffic and use of intoxicating liquor. Whereas you would that all might read the lecture, because you are desirous, exceedingly desirous, that temperance men should be withheld from getting in *their* hot haste, a law that will so far *put back*, and so long *keep back*, the glorious cause of temperance! "Let the circumcised Jew believe it"—we do not.

We might have proceeded in the course of this review, to show formally that the great *principle* of the Prohibitory Law is sustained by the Word of God ; and is repeatedly acknowledged as just in every age of human legislation. But the principle has been well discussed and considered by the people. Mr. Lovejoy does not attempt to show that it is *not well founded* by any reasoning to the point ; and why should we then attempt any defence of the "principle," other than that which incidentally came in—in following out the main object which we had in view—which was "a review of the lecture?"

MAY, 1852.

APPENDIX.

S P E E C H

Delivered at Stamford, Ct., on the Monday evening preceding the 4th Nov. 1868,

On which day General Grant was elected President, and Schuyler Colfax Vice-President of the United States of America.

MR. CHAIRMAN,—We hold that no intelligent citizen is justly entitled to the rights and privileges of citizenship who is indifferent to the welfare of his country. We maintain that it is not only his duty not to be indifferent, but it is his duty to be deeply interested in her institutions, in conserving all that is good of these institutions ; and in weeding out and exterminating all that is evil. We are on the very eve of a Presidential election, by which we are to give public expression to our sentiments touching questions of vital importance as to the

future of the nation. And where is the man amongst us who would maintain the position of neutrality at such a time as this ?

There was a law of Athens which subjected every citizen to punishment who insisted on standing aloof in the hour of civil commotion ; for by joining the better side, he may at least prevent the success of the worst one ; and, if he do not wholly approve even that better side, it is only by his accession to it that he can modify its action ; and that very accession may have the effect to elevate its progress even up to his own standard of excellence.

The better the man the better the citizen—the more important that he should take his side, that it may be seen which side he takes. We heartily concur with Dr. GOODWIN, of Oxford, England, who, in his official letter to the Yorkshire Association, wrote :

“Let us not in avoiding the noisy strife of heated partizans omit, because we are Christians, any duty which is binding on us as men and as citizens. Christianity destroys no social tie ; dissolves no relation of civil society ; and dispenses with no obligation that was antecedently binding. We do no honor to Christianity by neglecting our duty as citizens.”

There should be—there is in every patriot's heart at least, a law which impels him to take sides as to the political parties which are engaged in the Presidential campaign of to-day. And you remember what STEPHEN A. DOUGLAS well and truly said. Every man (in his language) must be on the side of the United States or against them.

There can be no neutrals in this war. There can be none but patriots and traitors.

Fellow-citizens—there can be no neutrals in this contest.

Our affinities, our influence, our vote is with the Union Republican Party, or it is with the Disunion Democratic Party. I say "disunion," for, I allege what I am confident facts incontrovertibly establish, that the policy and acts of the Democratic Party for more than a quarter of a century to the present hour, have worked *for the disunion* rather than *for the union* of the States which constitute, or ought to constitute, The United States of America.

We have just subdued one of the most unjustifiable and wicked, extensive and sanguinary rebellions that ever existed among a civilized people. We have done it at the cost of millions of treasure and lives. Just think of it.

There were enlisted during the war 2,050,543 men ; all of 731 vessels were commissioned, manned by 50,000 men. Every fourth man in the North was either in the army or navy ; and \$1,500,000,000 were expended.

But over and above this, we have 520,000 mounds where the soldiers sleep to-night the sleep of death ! We have an army of 300,000 disabled men ; an army of widows and orphans ; and taxation, for many a year to come, as the immediate result of this secession rebellion !

And mark you :—it was a rebellion of which the rebel Col. Hill said to General Curtis, at Fredericksburg : " I am opposed to *any terms* of peace short of a submission of the Federals to such terms as we may dictate ; which, in my opinion, should be Mason and Dixon's line as a boundary ; the exclusive navigation of the Mississippi below Cairo ; full indemnification for all the negroes stolen or destroyed ; and the restoration of Fortress Monroe, Jefferson, Key West, and all other strong-holds which may have fallen into their possession

during the war. If they are unwilling to accede to these terms, I propose an indefinite continuance of the war, until the now existing fragments of the old Union break in pieces from mere rottenness and want of cohesion, when we will step in, as the only first-class power on the Western Hemisphere, and take possession of the pieces as subjugated provinces." A rebellion and war of which Jefferson Davis said : " This war must go on till the last of this generation falls in his tracks, and his children seize his musket and fight our battle, unless you acknowledge our right to self-government. We are not fighting for slavery. We are fighting for Independence ; and that, or extermination, we will have." Having overcome such a rebellion, fellow-citizens, and at such a cost, the question substantially which divides the two political parties in the loyal (and disloyal) States, is whether the conquered or conquerers shall dictate the terms of reconciliation and peace.

There can be no question as to the views of the rebels on this point previous to the close to which General Grant brought this war.

Their view was that, if they were successful they, not we, were to dictate the terms of peace ; and such terms as they would have dictated, according to this protocol of Colonel Hill !

Thanks be to the God of our Fathers, we have had to submit to no such terms.

And thanks be to the brave boys in blue—white and black—who fought with equal bravery at Milliken's Bend, Fort Pillow, Port Hudson, Fort Wagner, and on many another bloody field ;—who said,—“ our country shall submit to no such terms ; the stars and stripes shall never be pulled down to

them ; we'll die first !" And at the Baltimore Convention of the Republican Party, on the 7th of June, 1864, it was resolved :

"That we approve the determination of the Government of the United States not to compromise with rebels, nor to offer *any* terms of peace except such as may be based upon an unconditional surrender of their hostility and a return to their just allegiance to the Constitution and laws of the United States ; and that we call upon the Government to maintain this position and to prosecute the war with the utmost possible vigor to the complete suppression of the rebellion, in full reliance upon the self-sacrifice, the patriotism, the heroic valor, and the undying devotion of the American people to their country and its free institutions."

Citizens—If the rebels had no right *then* to dictate terms of peace to us, have they any right to do it *now* ?

If they had no right to do so through Colonel Hill, General Lee, or Jefferson Davis, or any other rebel *then*, have they any right to do so through any rebel, or through Andrew Johnson or the Democratic Party *now* ?

If in 1864 we were justified in declaring that "we would offer no terms of peace except such as were based upon an immediate surrender of their hostility and a return to their just allegiance to the Constitution *and laws* of the United States"—are we not justified in declaring that we will offer no other terms in 1868 ? Or, in other words, what have they done since 1864 to deprive us of the right of prescribing terms of peace, and to vest it in them ?

Nor is this "the whole of the rub and worst of the pinch." Not only do they insist on making the terms, but their terms do not include a surrender of their hostility and a return to their just allegiance to the Constitution and laws of the United States. The entire history of these Rebel States—only as an absolute necessity has compelled them apparently to

modify their course—from the day Lee surrendered to Grant until now, affords damning proof of the fact that *they have not surrendered their hostility, and that they have not returned to their just allegiance to the Constitution and laws of this Government.*

At this moment they are as bitter in their hatred of the Government, and its people, North and West, and their institutions, as they ever were—if they are to be believed.

And that they are to be believed, who will question, since with them Emancipation is but a word ; Unionism a degradation ; Disloyalty a virtue ; and Murder a privilege above the law ? They avow, it was for the want of means and not for the want of will to prosecute the war, they were forced to give it up, and prove by their conduct, what they do not even faintly deny, that, if there was the shadow of a chance for them, they would renew the war—as they hope to do at some future, good opportunity—an opportunity to come to them, as they think, by the election of Seymour and Blair ; or, failing in this, through “ some dissension which is yet to breed separation and war between the West and the North.”

And listen to “ the key-note ” as given by General Frank Blair in his letter, which obtained for him his nomination for Vice-President :

“ There is but one way to restore the Government and the Constitution, and that is for the President elect to declare those Acts null and void, (the Reconstruction Acts) compel the army to undo its usurpations at the South, disperse the carpet-bag State Governments, allow the white people to re-organize their own Governments and elect Senators and Representatives.”

And the question returns at this stand-point, in a still more emphatic form for our consideration, since their terms do not

include our terms, are they to be permitted to dictate the terms of re-union and peace ?

A large majority of the loyal people of the loyal States, speaking through the 39th and 40th Congress, has said, No !

A small minority still says, Yes !

You know what constitutes the Reconstruction policy of Congress, "as evinced by the adoption, in the majority of the States lately in rebellion, of Constitutions securing Equal Civil and Political Rights to all."

Talk not of our having proposed such terms to these States as no people of a noble and chivalrous spirit should accept.

Coming centuries will but confirm the verdict of the nations of this age, that the loyal States have shown a degree of magnanimity and forgiveness such as no other nation has ever developed. "Constitutions securing Equal Civil and Political Rights to all."

Is it not "the duty of the Government to sustain those institutions, and to prevent the people of these returning States from being remitted to a state of anarchy ?"

Yet they insist on it, that we show no regard for their rights. Let us do what we will, we can never equal their disregard for our wrongs ; the wrongs which they have inflicted upon us without a cause.

Rights ! What rights have they except such as attach to convicted traitors ?

"*Constitutional* rights"—if they had them to-day, they would have the felon's doom !

I know it is said that we have disregarded and continue to set at defiance the Constitution in our treatment of these States,—both during and since the termination of the war.

But we concur with Abraham Lincoln, who said, "I feel that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Nation." Such were the comprehensive and just views of a wise statesman and true patriot,—views as applicable to the state of the nation now, as then,—both as to the North and South. You will remember that the Baltimore (Republican) National Convention approved and endorsed, "*as demanded by the emergency and essential to the preservation of the Nation, and as within the Constitution, the measures and acts which Mr. Lincoln had adopted to defend the nation against its open and secret foes.*" The Constitution was made for the people, by the people of the United States, and not the people for the Constitution. If it has been violated in the letter in any of its provisions in quelling this rebellion, has it been violated in its spirit? Or had it really come to pass that the Constitution and Government must be overthrown by a rebellion, to carry down the noble structure which has been raised aloft for the hope and new creation of the world,—because there is no element of life revealed or latent in the Constitution by which the Government could be upheld against the assaults of its enemies? And, just here let me remark, I have no sympathy with those who are opposed to any changes in our Constitution or any liberal construction of it; who will hold us to the letter regardless of its spirit.

The Hon. Mr. Beaufoy, M. P., in his speech on Parliamentary Innovations, has cogently and eloquently said—"Let there be no innovations, is ever the maxim of the ignorant, the interested and the worthless. It is the favorite tenet of the servile advocate of tyranny. It is the motto which Bigotry

has inscribed on her banners. It is the barrier which opposes every improvement, political, civil and religious. To reprobate all innovations on the Constitution, is to suppose that it is perfect. But perfection was not its attribute at the first. It is not its attribute at the present moment. Alterations are perpetually necessary in every Constitution, for the Government should be accommodated to the times, to the circumstances, to the wants of the people, which are ever changing."

To return. The Union Republican Party resolved, in 1864, that it is the highest duty of every American citizen to maintain, against all their enemies, the integrity of the Union, and the paramount authority of the Constitution and laws of the United States ; and that it would do everything in its power to aid the Government in quelling the rebellion by force of arms, and in bringing to the punishment due to their crimes the rebels and traitors arrayed against it.

And, at the time this resolution was passed, Andrew Johnson, as well as Abraham Lincoln, took his stand upon it. Mr. Johnson had said in the Senate of the United States, on that memorable night which terminated the 36th Congress—(I was present and heard the words as they fell from his lips)—“The distinguished Senator from Oregon asks me what I would do with the rebels were I President of the United States? I would have them arrested ; I would have them tried, and if found guilty, by the Eternal God, I would have them executed.” To his neighbors in East Tennessee he said : “The time has arrived when treason must be made odious, when traitors must be punished, impoverished ; their property taken from them, whether it be their horses, their lands or their negroes, and given to the innocent, the honest, the loyal upon whom the

calamities of this unprovoked and wicked rebellion have fallen with such crushing weight."

Gentlemen—If the Republican Party has stepped from off this plank of their platform, it is not that it has ceased to regard the Constitution and laws of the United States as of paramount authority, but it has not brought to the punishment due to their crimes the rebels and traitors who are arrayed against it.

What and who has changed within the brief period which has elapsed between 1864 and 1868? The platform of the Republican Party or the policy of Mr. Johnson as he declared it be when he was elected Vice-President of the United States? Judge ye. And still the disloyal States, having violated the Constitution and laws of the United States in every section and in every article,—ask, in "a kind of holy horror," can you at the North and West be so regardless of right as to interpret the Constitution as you think best with respect to us?

And like the adulterous woman of whom we read in the Proverbs of Solomon—so it is with them—"She eateth and wipeth her mouth, and saith, I have done no wickedness."

It is alleged that "the Republican Party has been running the Government for the last eight years outside of and without any Constitution." Well, gentlemen, you will agree with me, that if this be so, the country, on the whole, is in a much better condition than could reasonably be expected.

Indeed, such is its condition that, for one I am willing to leave it for four years more at least in the hands of the Union Republican rather than turn it over to the Disunion Democratic Party. My neighbor Jones was, or believed he was, near his death; and the doctor calling, he held a long and earnest con-

versation with him about his chances of life. "Why, man," said the physician, "you are likely to die any hour. You have been living for the last ten years without a constitution ; lungs gone, liver diseased, and all that sort of thing." "You don't mean to say," replied Jones questioningly, "that a man can live for ten years without a constitution?" "Yes, I do," said the doctor, "and you are an example." "Then, doctor," and a bright smile illuminated the face of the hopeful man,— "then, doctor, I'll go it ten years more on the by-laws."

And he did. Since under the Republican Party the Government has done so well for the last eight years without any regard to the Constitution, our Democratic friends being judges, I think we can go it for four or even eight years more on the amendments, not to speak of by-laws. As to Repudiation,—this is the language of the Republican Platform : "We denounce all forms of Repudiation as national crime ; and the national honor requires the payment of the public indebtedness in the uttermost good faith to all creditors at home and abroad, not only according to the letter but the spirit of the laws under which it was contracted." I will not so far discredit the common honesty of any man who hears me as to suppose he is not in favor of this resolution. Years ago, when Daniel Webster found some of the States considering whether they would repudiate their debts to Europe, he said to the farmers of the West : "I would work these arms to the elbow to wipe off a blot from the remotest corner of my country." Where is the right-thinking man who will not at least do as much as to vote against repudiation and thus save his country from this blot which is sure to come upon it if the Democratic party is now to be in the ascendant ?

“If you would love your country,” said Edmund Burke, “see to it that you make her worthy to be loved.” And will our country be longer worthy of our love, if she suffers to go on her escutcheon the foul blot of Repudiation ?

In conclusion, I have to say, let it not be forgotten that to the policy of the Democratic Party for the last quarter of a century is to be traced this war. In their manipulation of all interests for the interest of slavery, they opened for us this Pandora’s Box. Listen to the testimony of “The World”—is it not good authority ? as late as October 17, 1866—I quote from an editorial article in its issue of that date—on the death of John Van Buren : “We are doubtless all wiser,” (I quote its language) “in full view of the consequences, than anybody could have been before ; but even Mr. Calhoun, had he lived till this time, would freely admit that his zeal for the annexation of Texas was the most misguided and calamitous exertion of energy he ever made. That acquisition, planned as a bulwark of slavery, led by swiftly successive, and, as it now appears, inevitable steps, to its complete overthrow—convulsing the country, sundering the Union, and opening a hideous breach which this generation may not see healed. Mr. Calhoun, a clear-sighted statesman, foresaw that unless slavery was strengthened, by some additional equipoise to the growing preponderance of the North, it would be hemmed in, and in process of time extinguished. Mr. Van Buren, with superior sagacity, foresaw that attempts to extend and fortify an institution against which advancing civilization was arrayed, in fatal hostility, would infuse fervor into a comparatively gentle opposition, and tended to precipitate, by a violent movement, what might otherwise be the slow work of centuries. If Texas

had not been annexed, we should have had no Mexican war, no consequent acquisition of territory, no fierce convulsing quarrel about the extension of slavery from such territory, no Wilmot proviso, no repeal of the Missouri Compromise, no Republican Party, *no Civil War*. We are all wise after the event ; we all see clearly enough that the annexation of Texas, which Mr Van Buren (and he might have added many of the Whigs and the entire Liberty Party) had the forecast to oppose, was ' the direful spring of woes unnumbered.' "

Was not the annexation of Texas from first to last a Democratic measure ?

Let it not be forgotten that the leaders of the Democratic Party were the leaders of the Rebellion : That this party controlled the States in rebellion ; opposed every measure of the Government to suppress the rebellion ; discouraged enlistment into the Union army and resisted the draft ; gave aid and comfort to the rebels in arms during the war ; refused to give our brave and patriotic soldiers, in the field, fighting for the life of the nation, the right to vote ; opposed every measure adopted by Congress to restore peace, harmony and security to the country.

Having forced upon the country, without a cause, a long, bloody and expensive war—created a vast public debt, and imposed on the people untold sorrow and burdens grievous to be borne—the Democratic Party we hold to-day, as responsible for high taxes, high prices, derangement in business, and all other bitter fruits of the war. And now it proposes to increase these burdens by overthrowing the State Governments in the South and acknowledging the validity of rebel legislation and their debt. In fine, pronouncing in favor of a Dictator to overthrow civil government, and to establish caste and class

legislation—it now asks the free electors of this country to help them to power for this purpose !

Gentlemen ! the electors of 1868 will do no such thing.

Throughout our entire country the Union Republican Party are men of the same principles ; they advocate but one policy ; it is the policy of Justice, which is of itself “ the great standing policy of civil society.”

Nor is there any difference of opinion with us in regard to men. Such a difference exists in the Democratic Party, and at this stage of the campaign it is principally engaged in one section of the country in showing that Seymour will sink the Democratic ship, while in another section, it is equally persistent in demonstrating that Blair is the rock on which they will go to wreck. We are agreed that Grant and Colfax are the men who, if elected, and elected they will be—to the office for which they have been nominated—will carry out the principles and policy of the Republican Party. *Personally* acquainted with both of them as I am—the more I know them the more highly do I esteem them as men and statesmen—for whom as President and Vice-President, we shall always deem it a matter for thanksgiving that we cast our vote.

As to Mr. Seymour and General Blair—their record is made up, and the verdict of the people will be solemnly rendered to-morrow that not to them can be entrusted the governmental interests of the United States.

“*The World*” in its leading editorial article of Oct. 31, on the election of “Seymour or Grant”—declares—and the question is timely and well put : “This Presidential election involves questions of far more consequence than whether the Southern negroes shall vote ; than whether the reconstructed

State Governments shall stand ; than whether the public debt shall be paid in gold or greenbacks ; than whether we shall maintain great standing armies in time of peace. Important as these are, the great question of all is, whether we shall surrender or preserve our free institutions?" Such is the question. And "the swinging round the circle" of Governor Seymour and General Blair cannot divert the minds of the people from this question—nor lead them to any other decision in regard to it than such as their vote for, and election of, Grant and Colfax will give. Lamartine beautifully said of Wilberforce : "He went up to the throne of the Eternal with a million of broken fetters in his hands as evidence of a life well spent." Thither Abraham Lincoln went with the broken fetters of four and a half millions of slaves made freemen as evidence that this civil war has not been in vain. I believe it will be our lot to see, under the administration of Grant and Colfax, the restoration of all the States on the great and glorious principle of impartial suffrage and equality of political rights without regard to race or color—and this will be the token, whether the days of the Republican Party hereafter shall be few or many, that its life has been well spent.

Then, under the broad ægis of the American Union, life, property, reputation and the fruits of industry will be secure beyond the point to which such security is enjoyed under any other government among men.

And then will our nation, by an honest and consistent allegiance to the laws of morality in its domestic policy and its foreign relations, have acquired the highest degree of moral ascendancy ; and in this does the wisdom and strength of a nation consist.

